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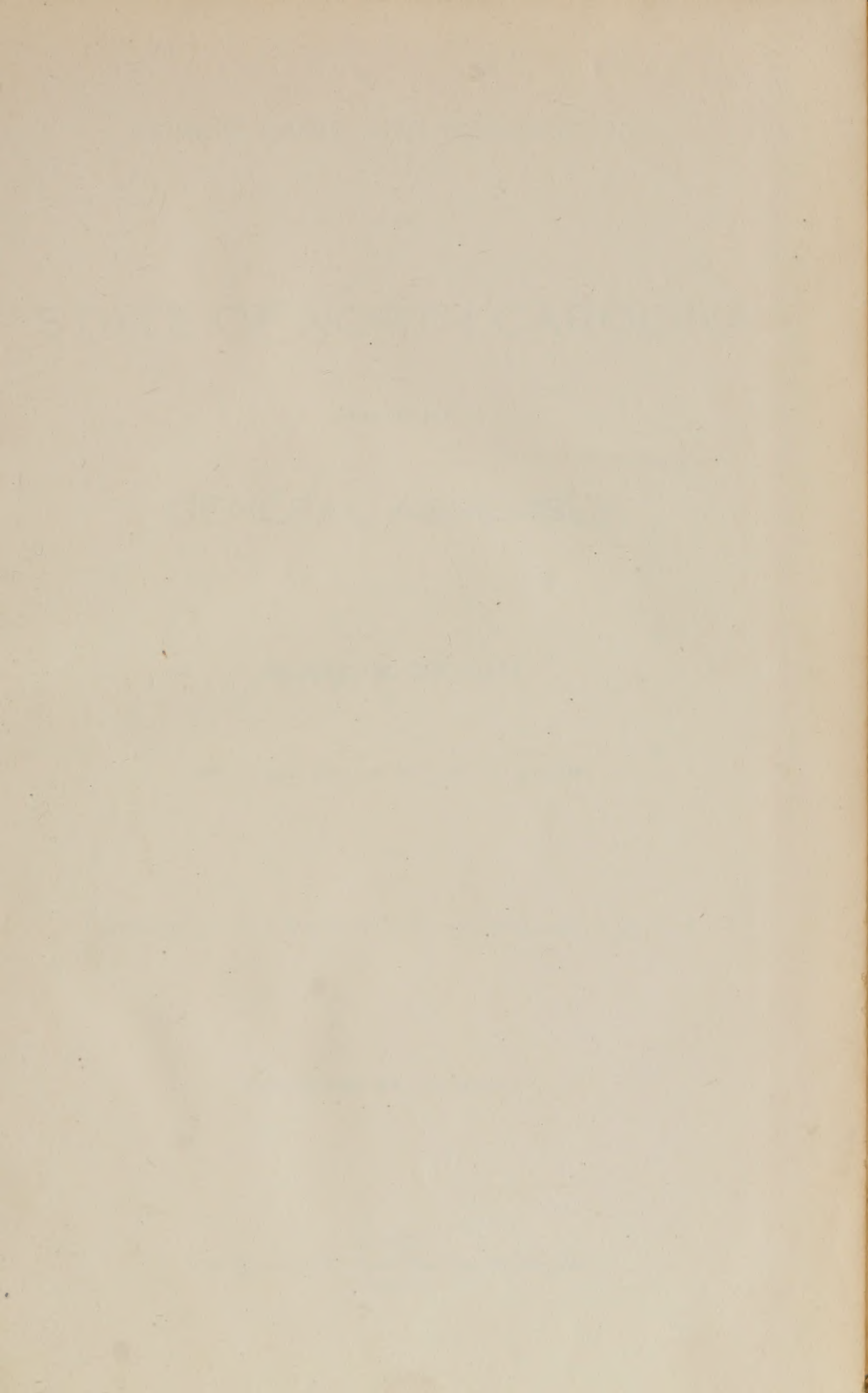
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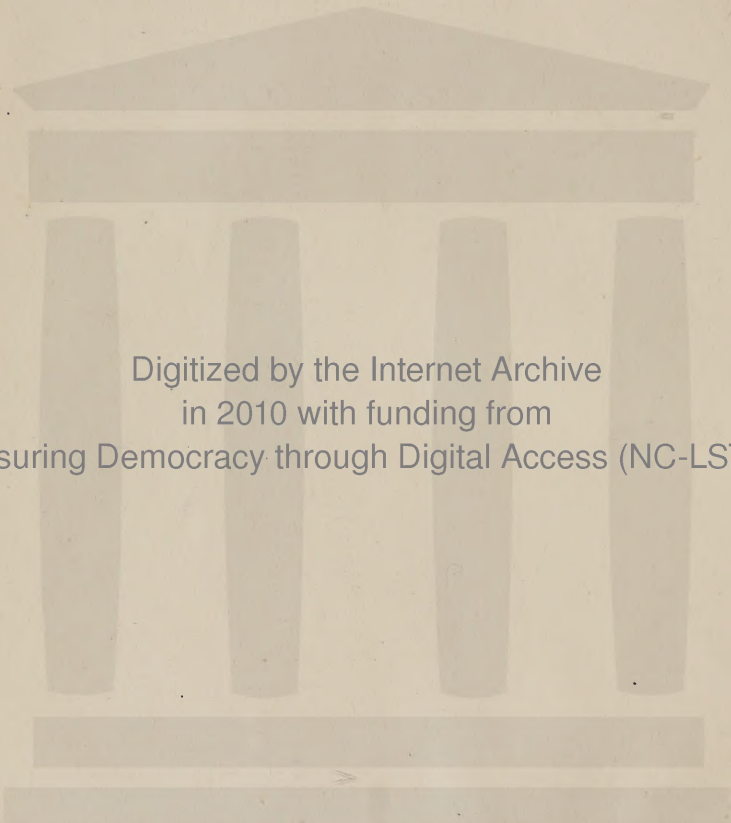


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PUBLIC LAWS AND RESOLUTIONS

OF THE

STATE OF NORTH CAROLINA

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

SESSION OF 1911,

BEGUN AND HELD IN THE CITY OF RALEIGH

ON

WEDNESDAY, THE FOURTH DAY OF JANUARY, A. D. 1911.

PUBLISHED BY AUTHORITY.

RALEIGH:

E. M. UZZELL & Co., STATE PRINTERS AND BINDERS.

1911.

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OFFICIAL REGISTER

FOR THE YEAR 1911.

EXECUTIVE DEPARTMENT.

WILLIAM W. KITCHIN.....	Governor.....	Person.
WILLIAM C. NEWLAND.....	Lieutenant Governor.....	Caldwell.
J. BRYAN GRIMES.....	Secretary of State.....	Pitt.
WILLIAM P. WOOD.....	State Auditor.....	Randolph.
BENJAMIN R. LACY.....	State Treasurer.....	Wake.
THOMAS W. BICKETT.....	Attorney-General.....	Franklin.
JAMES Y. JOYNER.....	Superintendent of Public Instruction.....	Guilford.
WILLIAM A. GRAHAM.....	Commissioner of Agriculture.....	Lincoln.
MITCHELL L. SHIPMAN.....	Commissioner of Labor and Printing.....	Henderson.
ROY L. LEINSTER.....	Adjutant General.....	Iredell.
ALFRED WILLIAMS.....	Assistant Adjutant General.....	Wake.
MILES O. SHERRILL.....	State Librarian.....	Catawba.
JAMES R. YOUNG.....	Insurance Commissioner.....	Vance.
ALEXANDER J. FEILD.....	Private Secretary to Governor.....	Wake.
MISS ANNIE TRAVIS.....	Executive Clerk.....	Halifax.
JOHN D. WARLICK.....	Clerk.....	Onslow.
GEORGE W. NORWOOD.....	Grant Clerk, Secretary of State.....	Wake.
WILLIAM S. WILSON.....	Corporation Clerk, Secretary of State.....	Caswell.
JOSEPH E. SAWYER.....	Automobile Clerk.....	Wake.
MISS MINNIE M. BAGWELL.....	Clerk and Stenographer.....	Wake.
EVERARD H. BAKER.....	Chief Clerk to Auditor.....	Franklin.
BAXTER DURHAM.....	Tax Clerk.....	Wake.
MRS. FANNIE W. SMITH.....	Pension Clerk and Stenographer.....	Wake.
W. F. MOODY.....	Chief Clerk to Treasurer.....	Mecklenburg.
A. H. ARRINGTON.....	Teller.....	Nash.
W. W. NEWMAN.....	Clerk of Institutions.....	Wake.
MISS EVA WARTERS.....	Clerk and Stenographer.....	Lenoir.
G. L. JONES.....	Assistant Attorney-General.....	Macon.
MISS SARAH BURKHEAD.....	Clerk and Stenographer to Attorney-General.....	Columbus.
A. J. BARWICK.....	Chief Clerk, Superintendent Public Instruction.....	Lenoir.
C. H. MEBANE.....	Clerk of Loan Fund.....	Catawba.
J. A. BIVINS.....	Superintendent of Teacher Training.....	Stanly.
N. W. WALKER.....	State Inspector Public High Schools.....	Orange.
L. C. BROGDEN.....	State Supervisor Elementary Schools.....	Wayne.
I. O. SCHAUB.....	Agent for Agricultural Extension.....	Stokes.
MISS HATTIE ARRINGTON.....	Clerk and Stenographer.....	Wake.
MISS CARRIE E. BROUGHTON.....	Assistant Librarian.....	Wake.
GEORGE B. JUSTICE.....	Assistant Commissioner Labor and Printing.....	Mecklenburg.
MISS DAISY THOMPSON.....	Clerk and Stenographer.....	Wake.
ROBERT B. COIT.....	Deputy Insurance Commissioner and Actuary.....	Wake.
STACY W. WADE.....	Deputy Insurance Commissioner.....	Carteret.
WILLIAM A. SCOTT.....	Deputy (Investigation Fires).....	Guilford.
S. F. CAMPBELL.....	Chief Clerk.....	Harnett.
MISS IDA MONTGOMERY.....	Clerk and Stenographer.....	Warren.
A. H. YEARBY.....	License Clerk.....	Wake.
.....*	Bookkeeper.....	
C. C. CHERRY.....	Superintendent Public Buildings and Grounds.....	Edgecombe.
L. H. LUMSDEN.....	State Standard Keeper.....	Wake.
E. M. UZZELL & Co.	} State Printers.....	Wake.
EDWARDS & BROUGHTON PRINTING Co.....		

*Vacant.

CORPORATION COMMISSION.

FRANKLIN McNEILL	Chairman	.....	New Hanover.
WILLIAM T. LEE	Commissioner	.....	Haywood.
HENRY C. BROWN	Commissioner	.....	Wake.
A. J. MAXWELL	Chief Clerk	.....	Craven.
J. K. DOUGHTON	Bank Examiner	.....	Alleghany.
C. V. BROWN	Assistant Bank Examiner	.....	Edgecombe.
MISS META ADAMS	Clerk	.....	Haywood.
J. S. GRIFFIN	Clerk	.....	Guilford.
MISS E. G. RIDDICK	Stenographer	.....	Gates.

JUDICIAL DEPARTMENT.

SUPREME COURT.

WALTER CLARK	Chief Justice	.....	Raleigh	.....	Wake.
GEORGE H. BROWN	Associate Justice	.....	Washington	.....	Beaufort.
PLATT D. WALKER	Associate Justice	.....	Charlotte	.....	Mecklenburg.
WILLIAM A. HOKE	Associate Justice	.....	Lincolnton	.....	Lincoln.
WILLIAM R. ALLEN	Associate Justice	.....	Goldsboro	.....	Wayne.
THOMAS S. KENAN	Clerk	.....	Raleigh	.....	Wake.
J. L. SEAWELL	Office Clerk	.....	Raleigh	.....	Wake.
ROBERT H. BRADLEY	Marshal and Librarian	.....	Raleigh	.....	Wake.
ROBERT C. STRONG	Reporter	.....	Raleigh	.....	Wake.

SUPERIOR COURT JUDGES.

GEORGE W. WARD	Elizabeth City	.....	Pasquotank.
ROBERT B. PEEBLES	Jackson	.....	Northampton.
HARRY W. WHEDBEE	Greenville	.....	Pitt.
CHARLES M. COOKE	Louisburg	.....	Franklin.
OLIVER H. ALLEN	Kinston	.....	Lenoir.
FRANK A. DANIELS	Goldsboro	.....	Wayne.
CHATHAM CALHOUN LYON	Elizabethtown	.....	Bladen.
W. J. ADAMS	Carthage	.....	Moore.
J. CRAWFORD BIGGS	Durham	.....	Durham.
BENJAMIN F. LONG	Statesville	.....	Iredell.
HENRY P. LANE	Reidsville	.....	Rockingham.
JAMES L. WEBB	Shelby	.....	Cleveland.
EDWARD B. CLINE	Hickory	.....	Catawba.
M. H. JUSTICE	Rutherfordton	.....	Rutherford.
J. S. ADAMS	Asheville	.....	Buncombe.
GARLAND S. FERGUSON	Waynesville	.....	Haywood.

SOLICITORS.

JOHN C. B. EHRLINGHAUS	Elizabeth City	.....	Pasquotank.
JOHN H. KERR	Warrenton	.....	Warren.
CHARLES L. ABERNETHY	Beaufort	.....	Carteret.
RICHARD G. ALLSBROOK	Tarboro	.....	Edgecombe.
HENRY E. SHAW	Kinston	.....	Lenoir.
HERBERT F. NORRIS	Raleigh	.....	Wake.
N. A. SINCLAIR	Fayetteville	.....	Cumberland.
A. M. STACK	Monroe	.....	Union.
S. M. GATTIS	Hillsboro	.....	Orange.
WILLIAM C. HAMMER	Ashboro	.....	Randolph.
S. P. GRAVES	Mount Airy	.....	Surry.
G. W. WILSON	Gastonia	.....	Gaston.
FRANK A. LINNEY	Boone	.....	Watauga.
A. H. JOHNSTON	Marion	.....	McDowell.
R. R. REYNOLDS	Asheville	.....	Buncombe.
F. E. ALLEY	Webster	.....	Jackson.

STATE BOARD OF AGRICULTURE.

W. A. GRAHAM.....	Commissioner, <i>ex officio</i> Chairman	Raleigh.
H. C. CARTER.....	First District	Fairfield.
K. W. BARNES.....	Second District	Lucama.
WILLIAM DUNN.....	Third District	New Bern.
ASHLEY HORNE.....	Fourth District	Clayton.
R. W. SCOTT.....	Fifth District	Haw River.
A. T. MCCALLUM.....	Sixth District	Red Springs.
J. P. McRAE.....	Seventh District	Laurinburg.
WILLIAM BLEDSOE.....	Eighth District	Gale.
W. J. SHUFORD.....	Ninth District	Hickory.
A. CANNON.....	Tenth District	Horse Shoe.

OFFICERS AND STAFF.

ELIAS CARR.....	Secretary.
B. W. KILGORE.....	State Chemist, Director Test Farms.
FRANKLIN SHERMAN, JR.....	Entomologist.
W. N. HUTT.....	Horticulturist.
H. H. BRIMLEY.....	Naturalist and Curator.
T. B. PARKER.....	Demonstration Work.
W. M. ALLEN.....	Food Chemist.
W. G. CHRISMAN.....	Veterinarian.
BRONSON BARLOW.....	Botanist.
J. M. PICKEL.....	Assistant Chemist.
W. G. HAYWOOD.....	Fertilizer Chemist.
G. M. MACNIDER.....	Feed Chemist and Microscopist.
L. L. BRINKLEY.....	Assistant Chemist.
S. C. CLAPP.....	Nursery and Orchard Inspector.
S. B. SHAW.....	Assistant Horticulturist.
O. M. CLARK.....	Second Assistant Horticulturist.
Z. P. METCALF.....	Assistant Entomologist.
W. H. EATON.....	Dairyman.
J. L. BURGESS.....	Agronomist.
G. M. GARREN.....	Assistant Agronomist.
E. L. WORTHEN.....	Soil Investigations.
J. Q. JACKSON.....	Assistant Chemist.
W. A. SMITH.....	Assistant Chemist.
W. H. STROWD.....	Assistant Chemist.
E. W. THORNTON.....	Assistant Chemist.
L. A. HIGGINS.....	Assistant Dairyman.
E. P. WOOD.....	Assistant Veterinarian.
B. B. FLOWE.....	Second Assistant Veterinarian.
F. S. PUCKETT.....	Assistant to Director Test Farms.
MISS O. I. TILLMAN.....	Seed Specialist.
MISS M. C. RAY.....	Assistant Botanist.
W. E. HEARN*.....	Soil Survey.

*Assigned by the Bureau of Soils, United States Department of Agriculture.

GENERAL ASSEMBLY.

CONVENES BIENNIALLY IN THE CITY OF RALEIGH ON WEDNESDAY AFTER THE FIRST
MONDAY IN JANUARY.

SENATORS.

HON. W. C. NEWLAND, LIEUTENANT GOVERNOR, PRESIDENT, LENOIR.

DISTRICT.	NAME OF SENATOR.	POST-OFFICE.	COUNTY.
1st	D. C. BARNES	Murfreesboro	Hertford.
1st	JESSE B. WILLIAMS	Shiloh	Camden.
2d	VAN B. MARTIN	Plymouth	Washington.
2d	DR. ROBERT N. CARTWRIGHT	Fairfield	Hyde.
3d	A. S. RASCOE	Windsor	Bertie.
4th	A. P. KITCHIN	Scotland Neck	Halifax.
5th	L. V. BASSETT	Rocky Mount	Edgecombe.
6th	ROBERT R. COTTEN	Bruce	Pitt.
7th	T. T. THORNE	Rocky Mount	Nash.
7th	BEN T. HOLDEN	Louisburg	Franklin.
8th	ERNEST M. GREEN	New Bern	Craven.
8th	M. LESLIE DAVIS	Beaufort	Carteret.
9th	J. LANGHORN BARIHAM	Goldsboro	Wayne.
10th	R. D. JOHNSON	Warsaw	Duplin.
11th	GEORGE H. BELLAMY	El Paso	Brunswick.
12th	JOSEPH A. BROWN	Chadbourn	Columbus.
13th	W. S. COBB	Lumber Bridge	Robeson.
14th	JOHN W. McLAUCHLIN	Raeford	Cumberland.
15th	O. A. BARBER	Benson	Johnston.
15th	J. R. BAGGETT	Lillington	Harnett.
16th	E. W. SIKES	Wake Forest	Wake.
17th	M. J. HAWKINS	Ridgeway	Warren.
18th	A. A. HICKS	Oxford	Granville.
19th	JOHN W. GRAHAM	Hillsboro	Orange.
19th	DR. J. A. HURDLE	Milton	Caswell.
20th	ALLAN D. IVIE	Leaksville	Rockingham.
21st	F. P. HOBGOOD, JR.	Greensboro	Guilford.
22d	D. A. McDONALD	Carthage	Moore.
22d	H. M. LONDON	Pittsboro	Chatham.
23d	CHARLES A. ARMSTRONG	Troy	Montgomery.
24th	D. N. BENNETT	Norwood	Stanly.
24th	R. W. LEMMOND	Monroe	Union.
25th	L. T. HARTSELL	Concord	Cabarrus.
25th	H. N. PHARR	Charlotte	Mecklenburg.
26th	A. H. BOYDEN	Salisbury	Rowan.
27th	H. R. STARBUCK	Winston	Forsyth.
28th	R. L. HAYMORE	Mount Airy	Surry.
29th	JOEL C. PINNIX	Marler	Yadkin.
30th	ZEBULON V. LONG	Statesville	Iredell.
31st	JOHN F. REINHART	Stanley, R. F. D.	Lincoln.
32d	JOHN G. CARPENTER	Dallas	Gaston.
33d	O. MAX GARDNER	Shelby	Cleveland.
33d	JAMES C. FISHER	Tryon	Polk.
34th	PINCKNEY H. MASHBURN	Marion	McDowell.
34th	THOMAS L. SIGMON	Connelly Springs	Burke.
35th	JOHN M. WAGONER	Sparta	Alleghany.
36th	JAMES L. HYATT	Burnsville	Yancey.
37th	JULIUS C. MARTIN	Asheville	Buncombe.
38th	THOMAS A. COXE	Culowhee	Jackson.
39th	O. L. ANDERSON	Hayesville	Clay.

SENATE OFFICERS.

NAME.	POSITION.	ADDRESS.
W. C. NEWLAND.....	President.....	Caldwell.
H. N. PHARR.....	President <i>pro tem.</i>	Mecklenburg.
R. O. SELF.....	Principal Clerk.....	Jackson.
MARK SQUIRES.....	Reading Clerk.....	Caldwell.
W. E. HOOKS.....	Engrossing Clerk.....	Wayne.
R. M. STALEY.....	Sergeant-at-Arms.....	Wilkes.
W. G. HALL.....	Assistant Sergeant-at-Arms.....	Cumberland.

GENERAL ASSEMBLY.

REPRESENTATIVES.

HON. W. C. DOWD, SPEAKER, CHARLOTTE.

NAME.	POST-OFFICE.	COUNTY.
J. ELMER LONG	Graham	Alamance.
T. O. TEAGUE	Taylorsville	Alexander.
R. A. DOUGHTON	Sparta	Alleghany.
THOMAS C. COXE	Wadesboro	Anson.
HARRISON C. TUCKER	Weasel	Ashe.
JOHN F. LATHAM	Jessama, R. F. D.	Beaufort.
WILLIAM A. THOMPSON	Aurora	Beaufort.
WALTER R. JOHNSON	Windsor	Bertie.
E. H. ANDERS	Kelly	Bladen.
C. ED. TAYLOR	Southport	Brunswick.
GALATIN ROBERTS	Asheville	Buncombe.
R. R. WILLIAMS	Asheville	Buncombe.
J. F. SPAINHOUR	Morganton	Burke.
WILLIAM L. MORRIS	Concord	Cabarrus.
DR. ALFRED A. KENT	Lenoir	Caldwell.
D. F. BARTLETT	Bartlett	Camden.
CHARLES S. WALLACE	Morehead City	Carteret.
W. OSMOND SMITH	Milton, R. F. D.	Caswell.
GEORGE W. RABB	Newton	Catawba.
N. J. WILSON	Beaumont	Chatham.
J. H. DILLARD	Murphy	Cherokee.
W. SCOTT PRIVOTT	Edenton	Chowan.
R. L. HERBERT	Hayesville	Clay.
C. J. WOODSON	Shelby	Cleveland.
J. M. SHIPMAN	Whiteville, R. F. D.	Columbus.
R. A. NUNN	New Bern	Craven.
A. D. MCGILL	Fayetteville, R. F. D. 3	Cumberland.
CHARLES G. ROSE	Fayetteville	Cumberland.
PEARCE HAMPTON	Waterlily	Currituck.
CHARLES H. SCARBOROUGH	Mann's Harbor	Dare.
B. W. PARHAM	Thomasville	Davidson.
WILLIAM A. BAILEY	Advance	Davie.
DR. R. L. CARR	Magnolia	Duplin.
J. S. CARR	Durham	Durham.
DR. M. B. PITT	Tarboro	Edgecombe.
H. B. BRYAN	Battleboro	Edgecombe.
D. P. ALSPAUGH	Winston	Forsyth.
P. H. STIMPSON	Pfafftown	Forsyth.
DR. R. P. FLOYD	Louisburg, R. F. D.	Franklin.
A. C. STROUP	Gastonia	Gaston.
NOAH B. KENDRICK	Cherryville	Gaston.
LYCURGUS HOFER	Gatesville	Gates.
J. C. EDWARDS	Japan	Graham.
WILLIAM A. DEVIN	Oxford	Granville.
V. R. SMITH	Snow Hill	Greene.
J. E. KIRKMAN	High Point	Guilford.
T. R. DILLARD	Summerfield, R. F. D.	Guilford.
W. T. CLEMENTS	Enfield	Halifax.
A. H. GREEN	Weldon	Halifax.
CHARLES ROSS	Lillington	Harnett.
DR. J. N. MEASE	Canton	Haywood.
H. G. EWART	Hendersonville	Henderson.
W. P. TAYLOR	Winton	Hertford.
JOHN W. McWILLIAMS	Ocracoke	Hyde.
Z. V. TERLINGTON	Mooresville	Iredell.
N. D. TOMLIN	Statesville	Iredell.
F. H. BROWN	Cullowhee	Jackson.
L. H. ALLRED	Selma	Johnston.
ASHLEY HORNE	Clayton	Johnston.
J. K. DIXON	Trenton	Jones.
E. R. WOOTEN	Kinston	Lenoir.
A. L. QUICKEL	Lincolnton	Lincoln.
J. FRANK RAY	Franklin	Macon.
J. COLEMAN RAMSEY	Marshall	Madison.
HARRY W. STUBBS	Williamston	Martin.
THOMAS W. WILSON	Nealsville	McDowell.
W. C. DOWD	Charlotte	Mecklenburg.
W. A. GRIER	Charlotte, R. F. D. 3.	Mecklenburg.
W. G. McLAUGHLIN	Charlotte, R. F. D. 3.	Mecklenburg.
H. T. NORMAN	Elk Park	Mitchell.
W. H. McNEILL	Carthage	Moore.

REPRESENTATIVES—CONTINUED.

NAME.	POST-OFFICE.	COUNTY.
JOHN L. CORNWELL	Spring Hope	Nash.
WOODUS KELLUM	Wilmington	New Hanover.
B. S. GAY	Jackson	Northampton.
E. M. KOONCE	Jacksonville	Onslow.
JOHN T. JOHNSTON	Chapel Hill, R. F. D.	Orange.
Z. V. RAWLS	Bayboro	Pamlico.
THOMAS J. MARKHAM	Elizabeth City	Pasquotank.
W. W. ALDERMAN	Willard	Pender.
L. B. PERRY	Durant's Neck	Perquimans.
WILLIAM A. WARREN	Gordonton	Person.
GUILFORD MOORING	Stokes, R. F. D. 2	Pitt.
JOHN T. THORNE	Farmville	Pitt.
J. B. LIVINGSTON	Tryon	Polk.
O. R. COX	Ashboro	Randolph.
H. B. CARTER	Ramseur	Randolph.
W. S. THOMAS	Rockingham	Richmond.
DR. W. A. MCPHAUL	Lumberton	Robeson.
J. O. MCARTHUR	Rowland	Robeson.
J. T. WALL	Stoneville, R. F. D.	Rockingham.
WILLIAM I. WITTY	Summerfield, R. F. D.	Rockingham.
W. D. PETHEL	Spencer	Rowan.
R. D. COLEMAN	Gold Hill	Rowan.
H. CRAIG RICHARDSON	Forest City	Rutherford.
B. H. CRUMPLER	Clinton	Sampson.
JAMES T. KENNEDY	Moltonville	Sampson.
W. H. WEATHERSPOON	Laurinburg	Scotland.
R. LANE BROWN	Albemarle	Stanly.
JAMES M. FAGG	Red Shoals	Stokes.
SAMUEL E. MARSHALL	Mount Airy	Surry.
O. P. WILLIAMS	Bryson City	Swain.
THOMAS S. WOOD	Brevard	Transylvania.
MARK MAJETTE	Columbia	Tyrrell.
R. V. HOUSTON	Monroe	Union.
J. C. SIKES	Monroe	Union.
THOMAS TAYLOR	Townsville	Vance.
R. H. BATTLE	Raleigh	Wake.
E. R. PACE	Raleigh	Wake.
J. T. JUDD	New Hill	Wake.
T. O. RODWELL	Warrenton	Warren.
ARTHUR W. SWAIN	Plymouth	Washington.
SMITH HAGEMAN	Vilas	Watauga.
J. E. KELLY	Mount Olive	Wayne.
JOHN M. MITCHELL	Goldsboro	Wayne.
H. C. CAVINESS	Wilkesboro	Wilkes.
ABNER CAUDILL	Hays, R. F. D. 1	Wilkes.
GEORGE W. CONNOR	Wilson	Wilson.
WADE REAVIS	Hamptonville	Yadkin.
DAVID M. BUCK	Bald Mountain	Yancey.

HOUSE OFFICERS.

NAME.	POSITION.	COUNTY.
W. C. DOWD	Speaker	Mecklenburg.
T. G. COBB	Principal Clerk	Burke.
D. S. POOLE	Reading Clerk	Cumberland.
M. D. KINSLAND	Engrossing Clerk	Haywood.
G. L. KILPATRICK	Sergeant-at-Arms	Lenoir.
D. H. JAMES	Assistant Sergeant-at-Arms	Halifax.

ENROLLING DEPARTMENT.

NAME.	POSITION.	COUNTY.
EDMUND B. NORVELL	Chief Clerk	Cherokee.
MISS EMILY TAYLOR	Assistant	Wake.
J. W. JENKINS	Assistant	Macon.

COMMISSIONERS OF AFFIDAVITS FOR NORTH CAROLINA
RESIDENT IN OTHER STATES.

NAME.	ADDRESS.	EXPIRATION OF TERM.
BAGLEY, E. C.	Danville, Va.	Mar. 11, 1912
BRAMAN, ELLA F.	120 Broadway, New York, N. Y.	May 27, 1912
BRAMAN, JOSEPH B.	120 Broadway, New York, N. Y.	June 9, 1911
BUNDY, CHARLES S.	Washington, D. C.	May 6, 1911
BURNETT, HARRY E.	228 S. Fourth St., Philadelphia, Pa.	May 19, 1912
CASELL, NORMAN	Portsmouth, Va.	May 9, 1912
COLLINS, M. V.	430 California St., San Francisco, Cal.	Sept. 2, 1912
COREY, EDWIN F.	56 Wall St., New York, N. Y.	Oct. 27, 1911
COREY, GEORGE H.	56 Wall St., New York, N. Y.	Nov. 8, 1911
FISHER, ABRAHAM H.	18 E. Lexington St., Baltimore, Md.	Dec. 3, 1912
GILLIAM, ROBERT	Petersburg, Va.	July 1, 1911
HARRISON, JOSEPH T.	182 Fourth St., Cincinnati, Ohio	Dec. 13, 1911
HESSE, HENRY	34 Nassau St., New York, N. Y.	April 1, 1912
HOSIER, J. WALTER	Suffolk, Va.	Dec. 10, 1912
HUNT, THOMAS J.	623 Walnut St., Philadelphia, Pa.	Dec. 1, 1911
HORNE, PEARCE	1300 Pennsylvania Ave., Washington, D. C.	Feb. 25, 1912
JORDAN, W. P., JR.	Norfolk, Va.	Feb. 28, 1913
LEONARD, FREDERICK M.	119 S. Fourth St., Philadelphia, Pa.	May 1, 1911
MCCARTHEY, CHARLES E. A.	30 Church St., New York, N. Y.	June 9, 1912
MANLY, GEORGE W.	100 E. Lexington St., Baltimore, Md.	Oct. 13, 1912
NOELL, WALTER C.	Danville, Va.	April 18, 1912
PUSEY, F. S.	Drexel Building, Philadelphia, Pa.	June 29, 1912
SHANNONHOUSE, WILLIAM T.	Norfolk, Va.	Oct. 16, 1911
STANCELL, S. F.	Norfolk, Va.	Nov. 25, 1912
TENER, KINLEY J.	608 Chestnut St., Philadelphia, Pa.	April 10, 1911
WORSFOLD, T. CATO.	9 Staple Inn, London, E. C., England	Aug. 18, 1912
WAY, L. B.	Norfolk, Va.	June 26, 1911
WURTS, JOHN S.	1109 Land Title Building Philadelphia, Pa.	Aug. 8, 1912

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OF THE
PUBLIC LAWS
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CONSTITUTION

OF THE

STATE OF NORTH CAROLINA.

PREAMBLE.

We, the people of the State of North Carolina, grateful to Preamble. Almighty God, the Sovereign Ruler of Nations, for the preservation of the American Union, and the existence of our civil, political and religious liberties, and acknowledging our dependence upon Him for the continuance of those blessings to us and our posterity, do for the more certain security thereof, and for the better government of this State, ordain and establish this Constitution :

ARTICLE I.

DECLARATION OF RIGHTS.

That the great, general and essential principles of liberty and free government may be recognized and established, and that the relations of this State to the Union and Government of the United States, and those of the people of this State to the rest of the American people, may be defined and affirmed, we do declare :

SECTION 1. That we hold it to be self-evident that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness. The equality and rights of men.

SEC. 2. That all political power is vested in, and derived from, the people; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole. Political power and government.

SEC. 3. That the people of this State have the inherent, sole, and exclusive right of regulating the internal government and police thereof, and of altering and abolishing their Constitution and form of government whenever it may be necessary for their safety and happiness; but every such right should be exercised in pursuance of law, and consistently with the Constitution of the United States. Internal government of the State.

SEC. 4. That this State shall ever remain a member of the American Union; that the people thereof are a part of the American Nation; that there is no right on the part of the State to secede, and that all attempts, from whatever source or upon whatever pretext, to dissolve said Union, or to sever said Nation, ought to be resisted with the whole power of the State. That there is no right to secede.

Of allegiance to the U. S. government.

SEC. 5. That every citizen of this State owes paramount allegiance to the Constitution and Government of the United States, and that no law or ordinance of the State in contravention or subversion thereof can have any binding force.

Public debt.

SEC. 6. The State shall never assume or pay, or authorize the collection of any debt or obligation, express or implied, incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; nor shall the General Assembly assume or pay, or authorize the collection of any tax to pay, either directly or indirectly, expressed or implied, any debt or bond incurred, or issued, by authority of the Convention of the year one thousand eight hundred and sixty-eight, nor any debt or bond incurred or issued by the Legislature of the year one thousand eight hundred and sixty-eight, at its special session of the year one thousand eight hundred and sixty-eight, or at its regular sessions of the years one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, except the bonds issued to fund the interest on the old debt of the State, unless the proposing to pay the same shall have first been submitted to the people and by them ratified by the vote of a majority of all the qualified voters of the State, at a regular election held for that purpose.

Bonds issued under ordinance of Convention of 1868 and under Laws of 1868, 1868-'9, 1869-'70, declared invalid.

Exception.

Exclusive emoluments, etc.

SEC. 7. No man or set of men are entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services.

The legislative, executive, and judicial powers distinct.

SEC. 8. The legislative, executive and supreme judicial powers of the government ought to be forever separate and distinct from each other.

✓ Of the power of suspending laws.

SEC. 9. All power of suspending laws, or the execution of laws, by any authority, without the consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

Elections free.

SEC. 10. All elections ought to be free.

In criminal prosecutions,

SEC. 11. In all criminal prosecutions, every man has the right to be informed of the accusation against him and to confront the accusers and witnesses with other testimony, and to have counsel for his defense, and not to be compelled to give evidence against himself or to pay costs, jail fees, or necessary witness fees of the defense, unless found guilty.

Answers to criminal charges.

SEC. 12. No person shall be put to answer any criminal charge, except as hereinafter allowed, but by indictment, presentment or impeachment.

Right of jury.

SEC. 13. No person shall be convicted of any crime but by the unanimous verdict of a jury of good and lawful men in open court. The Legislature may, however, provide other means of trial for petty misdemeanors, with the right of appeal.

Excessive bail.

SEC. 14. Excessive bail should not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

SEC. 15. General warrants, whereby any officer or messenger may be commanded to search suspected places, without evidence of the act committed, or to seize any person or persons not named, whose offense is not particularly described and supported by evidence, are dangerous to liberty and ought not to be granted.

General warrants.

SEC. 16. There shall be no imprisonment for debt in this State, except in cases of fraud.

Imprisonment for debt.

SEC. 17. No person ought to be taken, imprisoned, or disseized of his freehold, liberties or privileges, or outlawed or exiled, or in any manner deprived of his life, liberty or property, but by the law of the land.

No person to be taken, etc., but by law of the land.

SEC. 18. Every person restrained of his liberty is entitled to a remedy to enquire into the lawfulness thereof, and to remove the same, if unlawful; and such remedy ought not to be denied or delayed.

Persons restrained of liberty.

SEC. 19. In all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and ought to remain sacred and inviolable.

Controversies at law respecting property.

SEC. 20. The freedom of the press is one of the great bulwarks of liberty, and therefore ought never to be restrained, but every individual shall be held responsible for the abuse of the same.

Freedom of the press.

SEC. 21. The privileges of the writ of *habeas corpus* shall not be suspended.

Habeas corpus.

SEC. 22. As political rights and privileges are not dependent upon, or modified by, property, therefore no property qualification ought to affect the right to vote or hold office.

Property qualification.

SEC. 23. The people of the State ought not to be taxed, or made subject to the payment of any impost or duty, without the consent of themselves, or their representatives in General Assembly freely given.

Representation and taxation.

SEC. 24. A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and, as standing armies in time of peace are dangerous to liberty, they ought not to be kept up, and the military should be kept under strict subordination to, and governed by, the civil power. Nothing herein contained shall justify the practice of carrying concealed weapons, or prevent the Legislature from enacting penal statutes against said practice.

Militia and the right to bear arms.

SEC. 25. The people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the Legislature for redress of grievances. But secret political societies are dangerous to the liberties of a free people, and should not be tolerated.

Right of the people to assemble together.

SEC. 26. All men have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences, and no human authority should, in any case whatever, control or interfere with the rights of conscience.

Religious liberty.

- ✓ Education. SEC. 27. The people have the right to the privilege of education, and it is the duty of the State to guard and maintain that right.
- ✓ Elections should be frequent. SEC. 28. For redress of grievances, and for amending and strengthening the laws, elections should be often held.
- Recurrence to fundamental principles. SEC. 29. A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.
- Hereditary emoluments, etc. SEC. 30. No hereditary emoluments, privileges or honors ought to be granted or conferred in this State.
- Perpetuities, etc. SEC. 31. Perpetuities and monopolies are contrary to the genius of a free State and ought not to be allowed.
- Ex post facto laws. SEC. 32. Retrospective laws, punishing acts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust and incompatible with liberty; wherefore no *ex post facto* law ought to be made. No law taxing retrospectively sales, purchases, or other acts previously done, ought to be passed.
- Slavery prohibited. SEC. 33. Slavery and involuntary servitude, otherwise than for crime, whereof the parties shall have been duly convicted, shall be and are hereby forever prohibited within the State.
- State boundaries. SEC. 34. The limits and boundaries of the State shall be and remain as they now are.
- Courts shall be open. SEC. 35. All courts shall be open; and every person for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.
- Soldiers in time of peace. SEC. 36. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war but in a manner prescribed by the law.
- Other rights of the people. SEC. 37. This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers not herein delegated remain with the people.

ARTICLE II.

LEGISLATIVE DEPARTMENT.

- Two branches. SECTION 1. The legislative authority shall be vested in two distinct branches, both dependent on the people, to wit, a Senate and House of Representatives.
- Time of assembling. SEC. 2. The Senate and House of Representatives shall meet biennially on the first Wednesday after the first Monday in January next after their election; and, when assembled, shall be denominated the General Assembly. Neither house shall proceed upon public business unless a majority of all the members are actually present.
- Number of senators. SEC. 3. The Senate shall be composed of fifty Senators, biennially chosen by ballot.
- Regulations in relation to districting the State for senators. SEC. 4. The Senate Districts shall be so altered by the General Assembly, at the first session after the return of every enumeration by order of Congress, that each Senate District shall contain,

as near as may be, an equal number of inhabitants, excluding aliens and Indians not taxed, and shall remain unaltered until the return of another enumeration, and shall at all times consist of contiguous territory; and no county shall be divided in the formation of a Senate District, unless such county shall be equitably entitled to two or more Senators.

SEC. 5. The House of Representatives shall be composed of one hundred and twenty Representatives, biennially chosen by ballot, to be elected by the counties respectively, according to their population, and each county shall have at least one representative in the House of Representatives, although it may not contain the requisite ratio of representation; this apportionment shall be made by the General Assembly at the respective times and periods when the districts of the Senate are hereinbefore directed to be laid off.

Regulations in relation to apportionment of representatives.

SEC. 6. In making the apportionment in the House of Representatives, the ratio of representation shall be ascertained by dividing the amount of the population of the State, exclusive of that comprehended within those counties which do not severally contain the one hundred and twentieth part of the population of the State, by the number of Representatives, less the number assigned to such counties; and in ascertaining the number of the population of the State, aliens and Indians not taxed shall not be included. To each county containing the said ratio and not twice the said ratio, there shall be assigned one Representative; to each county containing two but not three times the said ratio, there shall be assigned two Representatives, and so on progressively, and then the remaining Representatives shall be assigned severally to the counties having the largest fractions.

Ratio of representation.

SEC. 7. Each member of the Senate shall not be less than twenty-five years of age, shall have resided in the State as a citizen two years, and shall have usually resided in the district for which he is chosen one year immediately preceding his election.

Qualifications for senators.

SEC. 8. Each member of the House of Representatives shall be a qualified elector of the State, and shall have resided in the county for which he is chosen for one year immediately preceding his election.

Qualifications for representatives.

SEC. 9. In the election of all officers, whose appointment shall be conferred upon the General Assembly by the Constitution, the vote shall be *visa voce*.

Election of officers.

SEC. 10. The General Assembly shall have the power to pass general laws regulating divorce and alimony, but shall not have power to grant a divorce or secure alimony in any individual case.

Powers in relation to divorce and alimony.

SEC. 11. The General Assembly shall not have power to pass any private law to alter the name of any person, or to legitimate any person not born in lawful wedlock, or to restore to the rights of citizenship any person convicted of an infamous crime, but shall have power to pass general laws regulating the same.

Private laws in relation to names of persons, etc.

Thirty days' notice shall be given anterior to passage of private laws.

SEC. 12. The General Assembly shall not pass any private law, unless it shall be made to appear that thirty days' notice of application to pass such a law shall have been given, under such direction and in such manner as shall be provided by law.

Vacancies.

SEC. 13. If vacancies shall occur in the General Assembly by death, resignation or otherwise, writs of election shall be issued by the Governor under such regulations as may be prescribed by law.

Revenue.

SEC. 14. No law shall be passed to raise money on the credit of the State, or to pledge the faith of the State, directly or indirectly, for the payment of any debt, or to impose any tax upon the people of the State, or allow the counties, cities or towns to do so, unless the bill for the purpose shall have been read ~~three~~ several times in each house of the General Assembly and passed three several readings, which readings shall have been on three different days, and agreed to by each house, respectively, and unless the yeas and nays on the second and third readings of the bill shall have been entered on the journal.

Entails.

SEC. 15. The General Assembly shall regulate entails in such manner as to prevent perpetuities.

Journals.

SEC. 16. Each house shall keep a journal of its proceedings, which shall be printed and made public immediately after the adjournment of the General Assembly.

Protest.

SEC. 17. Any member of either house may dissent from and protest against any act or resolve which he may think injurious to the public, or any individual, and have the reasons of his dissent entered on the journal.

Officers of the House.

SEC. 18. The House of Representatives shall choose their own Speaker and other officers.

President of the Senate.

SEC. 19. The Lieutenant Governor shall preside in the Senate, but shall have no vote unless it may be equally divided.

Other senatorial officers.

SEC. 20. The Senate shall choose its other officers and also a Speaker (*pro tempore*) in the absence of the Lieutenant Governor, or when he shall exercise the office of Governor.

Style of the acts.

SEC. 21. The style of the acts shall be: "The General Assembly of North Carolina do enact."

Powers of the General Assembly.

SEC. 22. Each house shall be judge of the qualifications and election of its own members, shall sit upon its own adjournment from day to day, prepare bills to be passed into laws; and the two houses may also jointly adjourn to any future day or other place.

Bills and resolutions to be read three times, etc.

SEC. 23. All bills and resolutions of a legislative nature shall be read three times in each house, before they pass into laws; and shall be signed by the presiding officers of both houses.

Oath of members.

SEC. 24. Each member of the General Assembly, before taking his seat, shall take an oath or affirmation that he will support the Constitution and laws of the United States, and the Constitution of the State of North Carolina, and will faithfully discharge his duty as a member of the Senate or House of Representatives.

SEC. 25. The terms of office for Senators and members of the House of Representatives shall commence at the time of their election. Terms of office.

SEC. 26. Upon motion made and seconded in either house by one-fifth of the members present, the yeas and nays upon any question shall be taken and entered upon the journals. Yeas and nays.

SEC. 27. The election for members of the General Assembly shall be held for the respective districts and counties, at the places where they are now held, or may be directed hereafter to be held, in such manner as may be prescribed by law, on the first Thursday in August, in the year one thousand eight hundred and seventy, and every two years thereafter. But the General Assembly may change the time of holding the elections. Election for members of the General Assembly.

SEC. 28. The members of the General Assembly for the term for which they have been elected shall receive as a compensation for their services the sum of *four dollars* per day for each day of their session, for a period not exceeding sixty days; and should they remain longer in session they shall serve without compensation. They shall also be entitled to receive ten cents per mile, both while coming to the seat of government and while returning home, the said distance to be computed by the nearest line or route of public travel. The compensation of the presiding officers of the two houses shall be six dollars per day and mileage. Should an extra session of the General Assembly be called, the members and presiding officers shall receive a like rate of compensation for a period not exceeding twenty days. Pay of members and officers of the General Assembly.

ARTICLE III.

EXECUTIVE DEPARTMENT.

SECTION 1. The Executive Department shall consist of a Governor, in whom shall be vested the supreme executive power of the State, a Lieutenant Governor, a Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, and an Attorney-General, who shall be elected for a term of four years by the qualified electors of the State, at the same time and places and in the same manner as members of the General Assembly are elected. Their term of office shall commence on the first day of January next after their election, and continue until their successors are elected and qualified: *Provided*, that the officers first elected shall assume the duties of their office ten days after the approval of this Constitution by the Congress of the United States, and shall hold their offices four years from and after the first day of January. Officers of the executive department.

SEC. 2. No person shall be eligible as Governor or Lieutenant Governor unless he shall have attained the age of thirty years, shall have been a citizen of the United States five years, and shall have been a resident of this State for two years next before the election; nor shall the person elected to either of these two offices Terms of office.

Qualifications of Governor and Lieutenant Governor.

be eligible to the same office more than four years in any term of eight years, unless the office shall have been cast upon him as Lieutenant Governor or President of the Senate.

Returns of elections.

SEC. 3. The return of every election for officers of the Executive Department shall be sealed up and transmitted to the seat of government by the returning officers, directed to the Speaker of the House of Representatives, who shall open and publish the same in the presence of a majority of the members of both houses of the General Assembly. The person having the highest number of votes respectively shall be declared duly elected; but if two or more be equal and highest in votes for the same office, the one of them shall be chosen by joint ballot of both houses of the General Assembly. Contested elections shall be determined by a joint ballot of both houses of the General Assembly in such manner as shall be prescribed by law.

Oath of office for Governor.

SEC. 4. The Governor, before entering upon the duties of his office, shall, in the presence of the members of both branches of the General Assembly, or before any Justice of the Supreme Court, take an oath or affirmation that he will support the Constitution and laws of the United States, and of the State of North Carolina, and that he will faithfully perform the duties appertaining to the office of Governor, to which he has been elected.

Duties of Governor.

SEC. 5. The Governor shall reside at the seat of government of this State, and he shall, from time to time, give the General Assembly information of the affairs of the State, and recommend to their consideration such measures as he shall deem expedient.

Reprieves, commutations and pardons.

SEC. 6. The Governor shall have power to grant reprieves, commutations, and pardons, after conviction, for all offenses (except in cases of impeachment), upon such conditions as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. He shall biennially communicate to the General Assembly each case of reprieve, commutation, or pardon granted, stating the name of each convict, the crime for which he was convicted, the sentence and its date, the date of the commutation, pardon, or reprieve, and the reasons therefor.

Annual reports from officers of executive department and of public institutions.

SEC. 7. The officers of the Executive Department and of the public institutions of the State shall, at least five days previous to each regular session of the General Assembly, severally report to the Governor, who shall transmit such reports with his message to the General Assembly; and the Governor may, at any time, require information in writing from the officers in the Executive Department upon any subject relating to the duties of their respective offices, and shall take care that the laws be faithfully executed.

Commander in chief.

SEC. 8. The Governor shall be Commander in Chief of the militia of the State, except when they shall be called into the service of the United States.

SEC. 9. The Governor shall have power, on extraordinary occasion, by and with the advice of the Council of State, to convene the General Assembly in extra session by his proclamation, stating therein the purpose or purposes for which they are thus convened.

Extra sessions of General Assembly.

SEC. 10. The Governor shall nominate and, by and with the advice and consent of a majority of the Senators-elect, appoint all officers whose offices are established by this Constitution and whose appointments are not otherwise provided for.

Officers whose appointments are not otherwise provided for.

SEC. 11. The Lieutenant Governor shall be President of the Senate, but shall have no vote unless the Senate be equally divided. He shall, whilst acting as President of the Senate, receive for his services the same pay which shall, for the same period, be allowed to the Speaker of the House of Representatives; and he shall receive no other compensation except when he is acting as Governor.

Duties of the Lieutenant Governor.

SEC. 12. In case of the impeachment of the Governor, his failure to qualify, his absence from the State, his inability to discharge the duties of his office, or in case the office of Governor shall in anywise become vacant, the powers, duties and emoluments of the office shall devolve upon the Lieutenant Governor until the disability shall cease or a new Governor shall be elected and qualified. In every case in which the Lieutenant Governor shall be unable to preside over the Senate, the Senators shall elect one of their own number President of their body; and the powers, duties and emoluments of the office of Governor shall devolve upon him whenever the Lieutenant Governor shall, for any reason, be prevented from discharging the duties of such office as above provided, and he shall continue as acting Governor until the disabilities are removed, or a new Governor or Lieutenant Governor shall be elected and qualified. Whenever, during the recess of the General Assembly, it shall become necessary for the President of the Senate to administer the government, the Secretary of State shall convene the Senate, that they may select such President.

In case of impeachment of Governor, or vacancy caused by death or resignation.

SEC. 13. The respective duties of the Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, and Attorney-General shall be prescribed by law. If the office of any of said officers shall be vacated by death, resignation or otherwise, it shall be the duty of the Governor to appoint another until the disability be removed or his successor be elected and qualified. Every such vacancy shall be filled by election at the first general election that occurs more than thirty days after the vacancy has taken place, and the person chosen shall hold the office for the remainder of the unexpired term fixed in the first section of this article.

Duties of other executive officers.

SEC. 14. The Secretary of State, Auditor, Treasurer, and Superintendent of Public Instruction shall constitute, *ex officio*, the Council of State, who shall advise the Governor in the execution of his office, any three of whom shall constitute a quorum. Their advice and proceedings in this capacity shall be entered in a journal

Council of State.

to be kept for this purpose exclusively, and signed by the members present, from any part of which any member may enter his dissent; and such journal shall be placed before the General Assembly when called for by either house. The Attorney-General shall be *ex officio* the legal adviser of the Executive Department.

Compensation of executive officers.

SEC. 15. The officers mentioned in this article shall, at stated periods, receive for their services a compensation to be established by law, which shall neither be increased nor diminished during the time for which they shall have been elected, and the said officers shall receive no other emolument or allowance whatever.

Seal of State.

SEC. 16. There shall be a seal of the State, which shall be kept by the Governor, and used by him as occasion may require, and shall be called "The Great Seal of the State of North Carolina." All grants and commissions shall be issued in the name and by the authority of the State of North Carolina, sealed with "The Great Seal of the State," signed by the Governor and countersigned by the Secretary of State.

Department of Agriculture, Immigration and Statistics.

SEC. 17. The General Assembly shall establish a Department of Agriculture, Immigration, and Statistics, under such regulations as may best promote the agricultural interests of the State, and shall enact laws for the adequate protection and encouragement of sheep husbandry.

ARTICLE IV.

JUDICIAL DEPARTMENT.

Abolishes the distinction between actions at law and suits in equity.

SECTION 1. The distinctions between actions at law and suits in equity, and the forms of all such actions and suits, shall be abolished; and there shall be in this State but one form of action for the enforcement or protection of private rights or the redress of private wrongs, which shall be denominated a civil action; and every action prosecuted by the people of the State as a party against a person charged with a public offense, for the punishment of the same, shall be termed a criminal action. Feigned issues shall also be abolished, and the fact at issue tried by order of court before a jury.

Feigned issues abolished.

Division of judicial powers.

SEC. 2. The judicial power of the State shall be vested in a Court for the Trial of Impeachments, a Supreme Court, Superior Courts, Courts of Justice of the Peace, and such other courts inferior to the Supreme Court as may be established by law.

Trial court of impeachment.

SEC. 3. The Court for the Trial of Impeachments shall be the Senate. A majority of the members shall be necessary to a quorum, and the judgment shall not extend beyond removal from, and disqualification to hold, office in this State; but the party shall be liable to indictment and punishment according to law.

Impeachment.

SEC. 4. The House of Representatives solely shall have the power of impeaching. No person shall be convicted without the concurrence of two-thirds of the Senators present. When the Governor is impeached, the Chief Justice shall preside.

SEC. 5. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. No conviction of treason or attainder shall work corruption of blood or forfeiture.

Treason against the State.

SEC. 6. The Supreme Court shall consist of a Chief Justice and four Associate Justices.

Supreme Court Justices.

SEC. 7. The terms of the Supreme Court shall be held in the city of Raleigh, as now, unless otherwise provided by the General Assembly.

Terms of the Supreme Court.

SEC. 8. The Supreme Court shall have jurisdiction to review, upon appeal, any decision of the courts below, upon any matter of law or legal inference. And the jurisdiction of said court over "issues of fact" and "questions of fact" shall be the same exercised by it before the adoption of the Constitution of one thousand eight hundred and sixty-eight, and the court shall have the power to issue any remedial writs necessary to give it a general supervision and control over the proceedings of the inferior courts.

Jurisdiction of Supreme Court.

SEC. 9. The Supreme Court shall have original jurisdiction to hear claims against the State, but its decisions shall be merely recommendatory; no process in the nature of execution shall issue thereon; they shall be reported to the next session of the General Assembly for its action.

Claims against the State.

SEC. 10. The State shall be divided into nine judicial districts, for each of which a Judge shall be chosen; and there shall be held a Superior Court in each county at least twice in each year, to continue for such time in each county as may be prescribed by law. But the General Assembly may reduce or increase the number of districts.

Judicial districts for Superior Courts.

SEC. 11. Every Judge of the Superior Court shall reside in the district for which he is elected. The Judges shall preside in the courts of the different districts successively, but no Judge shall hold the courts in the same district oftener than once in four years; but in case of the protracted illness of the Judge assigned to preside in any district, or of any other unavoidable accident to him, by reason of which he shall be unable to preside, the Governor may require any Judge to hold one or more specified terms in said district, in lieu of the Judge assigned to hold the courts of the said district.

Residences of judges, rotation in judicial districts, and special terms.

SEC. 12. The General Assembly shall have no power to deprive the Judicial Department of any power or jurisdiction which rightfully pertains to it as a coordinate department of the government; but the General Assembly shall allot and distribute that portion of this power and jurisdiction which does not pertain to the Supreme Court among the other courts prescribed in this Constitution or which may be established by law, in such manner as it may deem best; provide, also, a proper system of appeals, and

Jurisdiction of courts inferior to Supreme Court.

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regulate by law, when necessary, the methods of proceeding, in the exercise of their powers, of all the courts below the Supreme Court, so far as the same may be done without conflict with other provisions of this Constitution.

In case of waiver of trial by jury.

SEC. 13. In all issues of fact, joined in any court, the parties may waive the right to have the same determined by a jury, in which case the finding of the Judge upon the facts shall have the force and effect of a verdict by a jury.

Special courts in cities.

SEC. 14. The General Assembly shall provide for the establishment of special courts, for the trial of misdemeanors, in cities and towns where the same may be necessary.

Clerk of Supreme Court.

SEC. 15. The Clerk of the Supreme Court shall be appointed by the Court, and shall hold his office for eight years.

Election of Superior Court clerk.

SEC. 16. A Clerk of the Superior Court for each county shall be elected by the qualified voters thereof, at the time and in the manner prescribed by law for the election of members of the General Assembly.

Term of office.

SEC. 17. Clerks of the Superior Courts shall hold their offices for four years.

Fees, salaries, and emoluments.

SEC. 18. The General Assembly shall prescribe and regulate the fees, salaries and emoluments of all officers provided for in this article; but the salaries of the Judges shall not be diminished during their continuance in office.

What laws are and shall be in force.

SEC. 19. The laws of North Carolina, not repugnant to this Constitution, or the Constitution and laws of the United States, shall be in force until lawfully altered.

Disposition of actions at law and suits in equity pending when this Constitution shall go into effect, etc.

SEC. 20. Actions at law and suits in equity, pending when this Constitution shall go into effect, shall be transferred to the courts having jurisdiction thereof, without prejudice by reason of the change; and all such actions and suits commenced before, and pending at the adoption by the General Assembly of the rules of practice and procedure herein provided for, shall be heard and determined according to the practice now in use, unless otherwise provided for by said rules.

Justices Supreme Court, election of.

SEC. 21. The Justices of the Supreme Court shall be elected by the qualified voters of the State, as is provided for the election of members of the General Assembly. They shall hold their offices for eight years. The Judges of the Superior Courts, elected at the first election under this amendment, shall be elected in like manner as is provided for Justices of the Supreme Court, and shall hold their offices for eight years. The General Assembly may, from time to time, provide by law that the Judges of the Superior Courts, chosen at succeeding elections, instead of being elected by the voters of the whole State, as is herein provided for, shall be elected by the voters of their respective districts.

Judges of Superior Courts, election of.

Transaction of business in the Superior Court.

SEC. 22. The Superior Courts shall be at all times open for the transaction of all business within their jurisdiction, except the trial of issues of fact requiring a jury.

SEC. 23. A Solicitor shall be elected for each judicial district by the qualified voters thereof, as is prescribed for members of the General Assembly, who shall hold office for the term of four years, and prosecute on behalf of the State, in all criminal actions in the Superior Courts, and advise the officers of justice in his district.

Solicitors for each judicial district.

SEC. 24. In each county a sheriff and coroner shall be elected by the qualified voters thereof, as is prescribed for members of the General Assembly, and shall hold their offices for two years. In each township there shall be a constable elected in like manner by the voters thereof, who shall hold his office for two years. When there is no coroner in a county, the Clerk of the Superior Court for the county may appoint one for special cases. In case of a vacancy existing for any cause in any of the offices created by this section, the commissioners of the county may appoint to such office for the unexpired term.

Sheriffs and coroners.

SEC. 25. All vacancies occurring in the offices provided for by this article of the Constitution shall be filled by the appointment of the Governor, unless otherwise provided for, and the appointees shall hold their places until the next regular election for members of the General Assembly, when elections shall be held to fill such offices. If any person, elected or appointed to any of said offices, shall neglect and fail to qualify, such offices shall be appointed to, held and filled as provided in case of vacancies occurring therein. All incumbents of said office shall hold until their successors are qualified.

Vacancies.

SEC. 26. The officers elected at the first election held under this Constitution shall hold their offices for the terms prescribed for them respectively, next ensuing after the next regular election for members of the General Assembly. But their terms shall begin upon the approval of this Constitution by the Congress of the United States.

Terms of office of first officers under this Constitution.

SEC. 27. The several justices of the peace shall have jurisdiction, under such regulations as the General Assembly shall prescribe, of civil actions, founded on contract, wherein the sum demanded shall not exceed two hundred dollars, and wherein the title to real estate shall not be in controversy; and of all criminal matters arising within their counties where the punishment cannot exceed a fine of fifty dollars or imprisonment for thirty days. And the General Assembly may give to justices of the peace jurisdiction of other civil actions, wherein the value of the property in controversy does not exceed fifty dollars. When an issue of fact shall be joined before a justice, on demand of either party thereto, he shall cause a jury of six men to be summoned, who shall try the same. The party against whom judgment shall be rendered in any civil action may appeal to the Superior Court from the same. In all cases of a criminal nature, the party against whom judgment is given may appeal to the Superior Court, where the matter shall be heard anew. In all cases brought before a justice, he shall make

Jurisdiction of justices of the peace.

a record of the proceedings and file same with the Clerk of the Superior Court for his county.

Vacancies in
office of justices.

SEC. 28. When the office of justice of the peace shall become vacant otherwise than by expiration of the term, and in case of a failure by the voters of any district to elect, the Clerk of the Superior Court for the county shall appoint to fill the vacancy for the unexpired term.

Vacancies in
office of Superior
Court clerk.

SEC. 29. In case the office of Clerk of a Superior Court for a county shall become vacant otherwise than by the expiration of the term, and in case of a failure by the people to elect, the Judge of the Superior Court for the county shall appoint to fill the vacancy until an election can be regularly held.

Officers of other
courts inferior to
Supreme Court.

SEC. 30. In case the General Assembly shall establish other courts inferior to the Supreme Court, the presiding officers and clerks thereof shall be elected in such manner as the General Assembly may from time to time prescribe, and they shall hold their offices for a term not exceeding eight years.

Removal of
judges of the
various courts
for inability.

SEC. 31. Any Judge of the Supreme Court, or of the Superior Courts, and the presiding officers of such courts inferior to the Supreme Court as may be established by law, may be removed from office for mental or physical inability, upon a concurrent resolution of two-thirds of both houses of the General Assembly. The Judge or presiding officer, against whom the General Assembly may be about to proceed, shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either house of the General Assembly shall act thereon.

Removal of
clerks of the
various courts
for inability.

SEC. 32. Any Clerk of the Supreme Court, or of the Superior Courts, or of such courts inferior to the Supreme Court as may be established by law, may be removed from office for mental or physical inability; the Clerk of the Supreme Court by the Judges of said Court, the Clerks of the Superior Courts by the Judge riding the district, and the clerks of such courts inferior to the Supreme Court as may be established by law by the presiding officers of said courts. The clerk against whom proceedings are instituted shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least ten days before the day appointed to act thereon, and the clerk shall be entitled to an appeal to the next term of the Superior Court, and thence to the Supreme Court as provided in other cases of appeals.

Amendments not
to vacate existing
offices.

SEC. 33. The amendments made to the Constitution of North Carolina by this Convention shall not have the effect to vacate any office or term of office now existing under the Constitution of the State and filled or held by virtue of any election or appointment under the said Constitution and the laws of the State made in pursuance thereof.

ARTICLE V.

REVENUE AND TAXATION.

SECTION 1. The General Assembly shall levy a capitation tax on every male inhabitant in the State over twenty-one and under fifty years of age, which shall be equal on each to the tax on property valued at three hundred dollars in cash. The commissioners of the several counties may exempt from capitation tax in special cases, on account of poverty and infirmity, and the State and county capitation tax combined shall never exceed two dollars on the head.

Capitation tax.
Exemptions.

SEC. 2. The proceeds of the State and county capitation tax shall be applied to the purposes of education and the support of the poor, but in no one year shall more than twenty-five per cent thereof be appropriated to the latter purpose.

Application of proceeds of State and county capitation tax.

SEC. 3. Laws shall be passed taxing, by a uniform rule, all moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise; and, also, all real and personal property, according to its true value in money. The General Assembly may also tax trades, professions, franchises, and incomes: *Provided*, that no income shall be taxed when the property from which the income is derived is taxed.

Taxation shall be by uniform rule and ad valorem.

SEC. 4. Until the bonds of the State shall be at par, the General Assembly shall have no power to contract any new debt or pecuniary obligation in behalf of the State, except to supply a casual deficit, or for suppressing invasions or insurrections, unless it shall in the same bill levy a special tax to pay the interest annually. And the General Assembly shall have no power to give or lend the credit of the State in aid of any person, association or corporation, except to aid in the completion of such railroads as may be unfinished at the time of the adoption of this Constitution, or in which the State has a direct pecuniary interest, unless the subject be submitted to a direct vote of the people of the State, and be approved by the majority of those who shall vote thereon.

Restrictions upon the increase of the public debt, except in certain contingencies.

SEC. 5. Property belonging to the State, or to municipal corporations, shall be exempt from taxation. The General Assembly may exempt cemeteries and property held for educational, scientific, literary, charitable or religious purposes; also wearing apparel, arms for muster, household and kitchen furniture, the mechanical and agricultural implements of mechanics and farmers, libraries and scientific instruments, or any other personal property, to a value not exceeding three hundred dollars.

Property exemptions from taxation.

SEC. 6. The taxes levied by the commissioners of the several counties for county purposes shall be levied in like manner with the State taxes, and shall never exceed the double of the State tax, except for a special purpose, and with the special approval of the General Assembly.

Taxes levied by county commissioners.

Acts levying taxes shall state object, etc.

SEC. 7. Every act of the General Assembly levying a tax shall state the special object to which it is to be applied, and it shall be applied to no other purpose.

ARTICLE VI.

SUFFRAGE AND ELIGIBILITY TO OFFICE.

Qualifications of elector.

SECTION 1. Every male person born in the United States, and every male person who has been naturalized, twenty-one years of age, and possessing the qualifications set out in this article, shall be entitled to vote at any election by the people in the State, except as herein otherwise provided.

Qualifications of elector.

SEC. 2. He shall have resided in the State of North Carolina for two years, in the county six months, and in the precinct, ward or other election district in which he offers to vote, four months next preceding the election: *Provided*, that removal from one precinct, ward, or other election district, to another in the same county, shall not operate to deprive any person of the right to vote in the precinct, ward or other election district from which he has removed until four months after such removal. No person who has been convicted, or who has confessed his guilt in open court upon indictment, of any crime, the punishment of which ~~now is or may~~ hereafter be imprisonment in the State's Prison, shall be permitted to vote unless the said person shall be first restored to citizenship in the manner prescribed by law.

Qualifications of elector.

SEC. 3. Every person offering to vote shall be at the time a legally registered voter as herein prescribed and in the manner hereafter provided by law, and the General Assembly of North Carolina shall enact general registration laws to carry into effect the provisions of this article.

General Assembly to provide registration laws.

Qualifications of elector to register and vote.

SEC. 4. Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language; and before he shall be entitled to vote he shall have paid, on or before the first day of May of the year in which he proposes to vote, his poll tax for the previous year as prescribed by Article V, section 1, of the Constitution. But no male person who was on January 1, 1867, or at any time prior thereto, entitled to vote under the laws of any State in the United States wherein he then resided, and no lineal descendant of any such person, shall be denied the right to register and vote at any election in this State by reason of his failure to possess the educational qualifications herein prescribed: *Provided*, he shall have registered in accordance with the terms of this section prior to December 1,

Registration of persons entitled to vote without educational qualification.

Permanent record.

1908. The General Assembly shall provide for the registration of all persons entitled to vote without the educational qualifications herein prescribed, and shall, on or before November 1, 1908, provide for the making of a permanent record of such registration,

and all persons so registered shall forever thereafter have the right to vote in all elections by the people in this State, unless disqualified under section 2 of this article: *Provided*, such person shall have paid his poll tax as above required. Proviso.

SEC. 5. That this amendment to the Constitution is presented and adopted as one indivisible plan for the regulation of the suffrage, with the intent and purpose to so connect the different parts and to make them so dependent upon each other that the whole shall stand or fall together. Amendment indivisible.

SEC. 6. All elections by the people shall be by ballot, and all elections by the General Assembly shall be *viva voce*. Elections by people and General Assembly.

SEC. 7. Every voter in North Carolina, except as in this article disqualified, shall be eligible to office, but before entering upon the duties of the office he shall take and subscribe the following oath:

"I,, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as So help me, God." Oath of office.

SEC. 8. The following classes of persons shall be disqualified for office: *First*, all persons who shall deny the being of Almighty God. *Second*, all persons who shall have been convicted or confessed their guilt on indictment pending, and whether sentenced or not, or under judgment suspended, of any treason or felony, or of any other crime for which the punishment may be imprisonment in the penitentiary, since becoming citizens of the United States, or of corruption or malpractice in office, unless such person shall be restored to the rights of citizenship in a manner prescribed by law. Disqualification for office.

SEC. 9. That this amendment to the Constitution shall go into effect on the first day of July, nineteen hundred and two, if a majority of votes cast at the next general election shall be cast in favor of this suffrage amendment. When amendment to take effect.

ARTICLE VII.

MUNICIPAL CORPORATIONS.

SECTION 1. In each county there shall be elected biennially by the qualified voters thereof, as provided for the election of members of the General Assembly, the following officers: A treasurer, register of deeds, surveyor, and five commissioners. County officers.

SEC. 2. It shall be the duty of the commissioners to exercise a general supervision and control of the penal and charitable institutions, schools, roads, bridges, levying of taxes, and finances of the county, as may be prescribed by law. The register of deeds shall be, *ex officio*, clerk of the board of commissioners. Duty of county commissioners.

Counties to be divided into districts.

SEC. 3. It shall be the duty of the commissioners first elected in each county to divide the same into convenient districts, and to report the same to the General Assembly before the first day of January, 1869.

Said districts shall have corporate powers as townships.

SEC. 4. Upon the approval of the reports provided for in the foregoing section by the General Assembly, the said districts shall have corporate powers for the necessary purposes of local government, and shall be known as townships.

Officers of townships.

SEC. 5. In each township there shall be biennially elected by the qualified voters thereof a clerk and two justices of the peace, who shall constitute a board of trustees, and shall, under the supervision of the county commissioners, have control of the taxes and finances, roads and bridges of the townships, as may be prescribed by law. The General Assembly may provide for the election of a larger number of the justices of the peace in cities and towns and in those townships in which cities and towns are situated. In every township there shall also be biennially elected a school committee, consisting of three persons, whose duties shall be prescribed by law.

Trustees shall assess property.

SEC. 6. The township board of trustees shall assess the taxable property of their townships and make returns to the county commissioners for revision, as may be prescribed by law. The clerk shall be, *ex officio*, treasurer of the township.

No debt or loan except by a majority of voters.

SEC. 7. No county, city, town or other municipal corporation shall contract any debt, pledge its faith or loan its credit, nor shall any tax be levied or collected by any officers of the same except for the necessary expenses thereof, unless by a vote of the majority of the qualified voters therein.

Drawing of money.

SEC. 8. No money shall be drawn from any county or township treasury except by authority of law.

Taxes to be ad valorem.

SEC. 9. All taxes levied by any county, city, town or township shall be uniform and ad valorem upon all property in the same, except property exempted by this Constitution.

When officers enter on duty.

SEC. 10. The county officers first elected under the provisions of this article shall enter upon their duties ten days after the approval of this Constitution by the Congress of the United States.

Governor to appoint justices.

SEC. 11. The Governor shall appoint a sufficient number of justices of the peace in each county, who shall hold their places until sections four, five and six of this article shall have been carried into effect.

Charters to remain in force until legally changed.

SEC. 12. All charters, ordinances and provisions relating to municipal corporations shall remain in force until legally changed, unless inconsistent with the provisions of this Constitution.

Debts in aid of the rebellion not to be paid.

SEC. 13. No county, city, town or other municipal corporation shall assume to pay, nor shall any tax be levied or collected for the payment of any debt, or the interest upon any debt, contracted directly or indirectly in aid or support of the rebellion.

SEC. 14. The General Assembly shall have full power by statute to modify, change or abrogate any and all of the provisions of this article and substitute others in their place, except sections seven, nine and thirteen. Powers of General Assembly over municipal corporations.

ARTICLE VIII.

CORPORATIONS OTHER THAN MUNICIPAL.

SECTION 1. Corporations may be formed under general laws, but shall not be created by special act except for municipal purposes and in cases where, in the judgment of the Legislature, the object of the corporation cannot be attained under general laws. All general laws and special acts passed pursuant to this section may be altered from time to time or repealed. Corporations under general laws.

SEC. 2. Dues from corporations shall be secured by such individual liabilities of the corporations and other means as may be prescribed by law. Debts of corporations, how secured.

SEC. 3. The term corporation, as used in this article, shall be construed to include all associations and joint-stock companies having any of the powers and privileges of corporations not possessed by individuals or partnerships. And all corporations shall have the right to sue and shall be subject to be sued in all courts in like cases as natural persons. What corporations shall include.

SEC. 4. It shall be the duty of the Legislature to provide for the organization of cities, towns and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent abuses in assessment and in contracting debts by such municipal corporations. Legislature to provide for organizing cities, towns, etc.

ARTICLE IX.

EDUCATION.

SECTION 1. Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. Education shall be encouraged.

SEC. 2. The General Assembly, at its first session under this Constitution, shall provide by taxation and otherwise for a general and uniform system of public schools, wherein tuition shall be free of charge to all the children of the State between the ages of six and twenty-one years. And the children of the white race and the children of the colored race shall be taught in separate public schools; but there shall be no discrimination in favor of or to the prejudice of either race. General Assembly shall provide for schools.
Separation of the races.

SEC. 3. Each county of the State shall be divided into a convenient number of districts, in which one or more public schools shall be maintained at least four months in every year; and if the commissioners of any county shall fail to comply with the aforesaid requirements of this section they shall be liable to indictment. Counties to be divided into districts.

What property shall be devoted to educational purposes.

SEC. 4. The proceeds of all lands that have been or hereafter may be granted by the United States to this State and not otherwise appropriated by this State or the United States, also all moneys, stocks, bonds, and other property now belonging to any State fund for purposes of education, also net proceeds of all sales of the swamp lands belonging to the State, and all other grants, gifts, or devises that have been or hereafter may be made to the State and not otherwise appropriated by the State or by the terms of the grant, gift, or devise, shall be paid into the State Treasury, and, together with so much of the ordinary revenue of the State as may be by law set apart for that purpose, shall be faithfully appropriated for establishing and maintaining in this State a system of free public schools and for no other uses or purposes whatsoever.

County school fund.

SEC. 5. All moneys, stocks, bonds and other property belonging to a county school fund, also the net proceeds from the sale of estrays, also the clear proceeds of all penalties and forfeitures and of all fines collected in the several counties for any breach of the penal or military laws of the State, and all moneys which shall be paid by persons as an equivalent for exemption from military duty, shall belong to and remain in the several counties, and shall be faithfully appropriated for establishing and maintaining free public schools in the several counties in this State: *Provided*, that the amount collected in each county shall be annually reported to the Superintendent of Public Instruction.

Proviso.

Election of trustees, and provisions for maintenance of the University.

SEC. 6. The General Assembly shall have power to provide for the election of trustees of the University of North Carolina, in whom, when chosen, shall be vested all the privileges, rights, franchises and endowments thereof in anywise granted to or conferred upon the trustees of said University; and the General Assembly may make such provisions, laws and regulations from time to time as may be necessary and expedient for the maintenance and management of said University.

Benefits of the University.

SEC. 7. The General Assembly shall provide that the benefits of the University, as far as practicable, be extended to the youth of the State free of expense for tuition; also that all the property which has heretofore accrued to the State or shall hereafter accrue from escheats, unclaimed dividends or distributive shares of the estates of deceased persons, shall be appropriated to the use of the University.

Board of education.

SEC. 8. The Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor, Superintendent of Public Instruction, and Attorney-General shall constitute a State Board of Education.

President and secretary.

SEC. 9. The Governor shall be president and the Superintendent of Public Instruction shall be secretary of the Board of Education.

Power of board.

SEC. 10. The Board of Education shall succeed to all the powers and trusts of the president and directors of the literary fund of

North Carolina, and shall have full power to legislate and make all needful rules and regulations in relation to free public schools and the educational fund of the State; but all acts, rules and regulations of said board may be altered, amended or repealed by the General Assembly, and when so altered, amended or repealed they shall not be reënacted by the board.

SEC. 11. The first session of the Board of Education shall be held at the capital of the State within fifteen days after the organization of the State Government under this Constitution; the time of future meetings may be determined by the board. First session of board.

SEC. 12. A majority of the board shall constitute a quorum for the transaction of business. Quorum.

SEC. 13. The contingent expenses of the board shall be provided by the General Assembly. Expenses.

SEC. 14. As soon as practicable after the adoption of this Constitution the General Assembly shall establish and maintain in connection with the University a department of agriculture, of mechanics, of mining and of normal instruction. Agricultural department.

SEC. 15. The General Assembly is hereby empowered to enact that every child of sufficient mental and physical ability shall attend the public schools during the period between the ages of six and eighteen years for a term of not less than sixteen months, unless educated by other means. Children must attend school.

ARTICLE X.

HOMESTEADS AND EXEMPTIONS.

SECTION 1. The personal property of any resident of this State to the value of five hundred dollars, to be selected by such resident, shall be and is hereby exempted from sale under execution or other final process of any court issued for the collection of any debt. Exemption.

SEC. 2. Every homestead, and the dwellings and buildings used therewith, not exceeding in value one thousand dollars, to be selected by the owner thereof, or in lieu thereof, at the option of the owner, any lot in a city, town or village, with the dwellings and buildings used thereon, owned and occupied by any resident of this State, and not exceeding the value of one thousand dollars, shall be exempt from sale under execution or other final process obtained on any debt. But no property shall be exempt from sale for taxes or for payment of obligations contracted for the purchase of said premises. Homestead.

SEC. 3. The homestead, after the death of the owner thereof, shall be exempt from the payment of any debt during the minority of his children or any one of them. Homestead exempted from debt.

SEC. 4. The provisions of sections one and two of this article shall not be so construed as to prevent a laborer's lien for work done and performed for the person claiming such exemption, or a mechanic's lien for work done on the premises. Laborer's lien.

Benefit of widow. SEC. 5. If the owner of a homestead die, leaving a widow but no children, the same shall be exempt from the debts of her husband, and the rents and profits thereof shall inure to her benefit during her widowhood, unless she be the owner of a homestead in her own right.

Property of a married female secured to her. SEC. 6. The real and personal property of any female in this State acquired before marriage, and all property, real and personal, to which she may, after marriage, become in any manner entitled, shall be and remain the sole and separate estate and property of such female, and shall not be liable for any debts, obligations or engagements of her husband, and may be devised and bequeathed, and, with the written assent of her husband, conveyed by her as if she were unmarried.

Husband may insure his life for the benefit of wife and children. SEC. 7. The husband may insure his own life for the sole use and benefit of his wife and children, and in case of the death of the husband the amount thus insured shall be paid over to the wife and children, or to the guardian if under age, for her or their own use, free from all the claims of the representatives of her husband or any of his creditors.

How deed for homestead may be made. SEC. 8. Nothing contained in the foregoing sections of this article shall operate to prevent the owner of a homestead from disposing of the same by deed; but no deed made by the owner of a homestead shall be valid without the voluntary signature and assent of his wife, signified on her private examination according to law.

ARTICLE XI.

PUNISHMENTS, PENAL INSTITUTIONS AND PUBLIC CHARITIES.

Punishments. SECTION 1. The following punishments only shall be known to the laws of this State, viz., death, imprisonment with or without hard labor, fines, removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under this State.

Convict labor. The foregoing provision for imprisonment with hard labor shall be construed to authorize the employment of such convict labor on public works or highways, or other labor for public benefit, and the farming out thereof, where and in such manner as may be provided by law; but no convict shall be farmed out who has been sentenced on a charge of murder, manslaughter, rape, attempt to commit rape, or arson: *Provided*, that no convict whose labor may be farmed out shall be punished for any failure of duty as a laborer except by a responsible officer of the State; but the convicts so farmed out shall be at all times under the supervision and control, as to their government and discipline, of the penitentiary board or some officer of the State.

Proviso.

Death punishment. SEC. 2. The object of punishment being not only to satisfy justice, but also to reform the offender, and thus prevent crime, murder, arson, burglary, and rape, and these only, may be punishable with death, if the General Assembly shall so enact.

SEC. 3. The General Assembly shall, at its first meeting, make provision for the erection and conduct of a State's prison or penitentiary at some central and accessible point within the State. Penitentiary.

SEC. 4. The General Assembly may provide for the erection of a house of correction, where vagrants and persons guilty of misdemeanors shall be restrained and usefully employed. Houses of correction.

SEC. 5. A house or houses of refuge may be established whenever the public interests may require it, for the correction and instruction of other classes of offenders. Houses of refuge.

SEC. 6. It shall be required by competent legislation that the structure and superintendence of penal institutions of the State, the county jails and city police prisons secure the health and comfort of the prisoners, and that male and female prisoners be never confined in the same room or cell. The sexes to be separated.

SEC. 7. Beneficent provisions for the poor, the unfortunate and orphan being one of the first duties of a civilized and Christian State, the General Assembly shall, at its first session, appoint and define the duties of a board of public charities, to whom shall be entrusted the supervision of all charitable and penal State institutions, and who shall annually report to the Governor upon their condition, with suggestions for their improvement. Provisions for the poor and orphans.

SEC. 8. There shall also, as soon as practicable, be measures devised by the State for the establishment of one or more orphan houses, where destitute orphans may be cared for, educated, and taught some business or trade. Orphan houses.

SEC. 9. It shall be the duty of the Legislature, as soon as practicable, to devise means for the education of idiots and inebriates. Inebriates and idiots.

SEC. 10. The General Assembly may provide that the indigent deaf-mute, blind, and insane of the State shall be cared for at the charge of the State. Deaf-mutes, blind and insane.

SEC. 11. It shall be steadily kept in view by the Legislature and the Board of Public Charities, that all penal and charitable institutions should be made as nearly self-supporting as is consistent with the purposes of their creation. Self-supporting.

ARTICLE XII.

MILITIA.

SECTION 1. All able-bodied male citizens of the State of North Carolina, between the ages of twenty-one and forty years, who are citizens of the United States, shall be liable to do duty in the militia: *Provided*, that all persons who may be averse to bearing arms, from religious scruples, shall be exempt therefrom. Who are liable to militia duty. *Provido*.

SEC. 2. The General Assembly shall provide for the organizing, arming, equipping and discipline of the militia, and for paying the same, when called into active service. Organizing, etc.

Governor commander in chief.

SEC. 3. The Governor shall be commander in chief, and shall have power to call out the militia to execute the law, suppress riots or insurrection, and to repel invasion.

Exemptions.

SEC. 4. The General Assembly shall have power to make such exemptions as may be deemed necessary, and enact laws that may be expedient for the government of the militia.

ARTICLE XIII.

AMENDMENTS.

Convention, how called.

SECTION 1. No convention of the people of this State shall ever be called by the General Assembly, unless by the concurrence of two-thirds of all the members of each house of the General Assembly, and except the proposition, Convention, or No Convention, be first submitted to the qualified voters of the whole State, at the next general election in a manner to be prescribed by law. And should a majority of the votes cast be in favor of said convention, it shall assemble on such day as may be prescribed by the General Assembly.

How the Constitution may be altered.

SEC. 2. No part of the Constitution of this State shall be altered unless a bill to alter the same shall have been agreed to by three-fifths of each house of the General Assembly. And the amendment or amendments so agreed to shall be submitted at the next general election to the qualified voters of the whole State, in such a manner as may be prescribed by law. And in the event of their adoption by a majority of the votes cast, such amendment or amendments shall become part of the Constitution of the State.

ARTICLE XIV.

MISCELLANEOUS.

Indictments.

SECTION 1. All indictments which shall have been found, or may hereafter be found, for any crime or offense committed before this Constitution takes effect, may be proceeded upon in the proper courts, but no punishment shall be inflicted which is forbidden by this Constitution.

Penalty for fighting duel.

SEC. 2. No person who shall hereafter fight a duel, or assist in the same as a second, or send, accept, or knowingly carry a challenge therefor, or agree to go out of the State to fight a duel, shall hold any office in this State.

Drawing money.

SEC. 3. No money shall be drawn from the Treasury but in consequence of appropriations made by law; and an accurate account of the receipts and expenditures of the public money shall be annually published.

Mechanic's lien.

SEC. 4. The General Assembly shall provide, by proper legislation, for giving to mechanics and laborers an adequate lien on the subject-matter of their labor.

SEC. 5. In the absence of any contrary provision, all officers of this State, whether heretofore elected, or appointed by the Governor, shall hold their positions only until other appointments are made by the Governor, or, if the officers are elective, until their successors shall have been chosen and duly qualified according to the provisions of this Constitution.

SEC. 6. The seat of government of this State shall remain at the city of Raleigh.

SEC. 7. No person, who shall hold any office or place of trust or profit under the United States, or any department thereof, or under this State, or under any other State or Government, shall hold or exercise any other office or place of trust or profit under the authority of this State, or be eligible to a seat in either house of the General Assembly: *Provided*, that nothing herein contained shall extend to officers in the militia, justices of the peace, commissioners of public charities, or commissioners for special purposes.

SEC. 8. All marriages between a white person and a negro, or between a white person and white person of negro descent to the third generation, inclusive, are hereby forever prohibited.

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PUBLIC LAWS
OF THE
STATE OF NORTH CAROLINA.

SESSION 1911.

PUBLIC LAWS
OF THE
STATE OF NORTH CAROLINA.

SESSION 1911.

CHAPTER 1.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS TO MAKE APPROPRIATIONS TO THE FARM DEMONSTRATION WORK.

The General Assembly of North Carolina do enact:

SECTION 1. That the county commissioners of any county in North Carolina are hereby authorized and empowered, in their discretion, to cooperate with the State and National departments of agriculture to promote the farmers' cooperative demonstration work. County commissioners to cooperate with State and National departments of agriculture.

SEC. 2. That the county commissioners of any county agreeing to cooperate in said work as aforesaid are, therefore, authorized to appropriate such sum as may be agreed upon for the said purpose. Appropriation authorized.

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 20th day of January, A. D. 1911.

CHAPTER 2.

AN ACT TO PREVENT THE SHIPMENT OF LIVE QUAIL OR PARTRIDGES WITHOUT THE STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to catch, net, or trap any quail or partridges for the purpose of shipping or transporting the same without the State of North Carolina. Taking for exportation forbidden.

SEC. 2. That it shall be unlawful for any person, firm, or corporation to transport, or cause to be transported, or have possession of with intent to transport or to secure the transportation of, any live quail or partridges beyond the limits of the State of North Carolina. Transporting and possession to transport forbidden.

Misdemeanor.

SEC. 3. That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, in the discretion of the court.

Punishment.

Authority to grant permits repealed.

SEC. 4. That all authority given the Audubon Society of North Carolina to grant permits to ship or transport live quail or partridges beyond the limits of the State is hereby repealed.

SEC. 5. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified this the 21st day of January, A. D. 1911.

CHAPTER 3.

AN ACT TO MAKE THE OWNER OF DOGS LIABLE FOR DAMAGES IN CERTAIN CASES.

The General Assembly of North Carolina do enact:

Dog owners or persons having dogs in charge liable for damages.

SECTION 1. That if any dog, not being at the time on the premises of the owner or person having charge thereof, shall kill or injure any live stock or fowls, the owner or person having such dog in charge shall be liable for damages sustained by the injury, killing, or maiming of any live stock, and costs of suit.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 30th day of January, A. D. 1911.

CHAPTER 4.

AN ACT TO VALIDATE THE PROBATE AND REGISTRATION OF CERTAIN DEEDS AND OTHER CONVEYANCES.

The General Assembly of North Carolina do enact:

Probates and registrations where official seal omitted validated.

SECTION 1. In all cases where the acknowledgment, private examination, or other proof of the execution of any deed, mortgage, or other instrument authorized or required to be registered has been taken or had by or before any commissioner of affidavits and deeds of this State, or clerk or deputy clerk of a court of record, or notary public of this or any other State, territory, or district, and such deed, mortgage, or other instrument has heretofore been recorded in any county in this State, but such commissioner, clerk, deputy clerk, or notary public has omitted to attach his or her official or notarial seal thereto, or it does not appear of record

that such seal was attached to the original deed, mortgage, or other instrument, or such commissioner, clerk, deputy clerk, or notary public has certified the same as under his or her "official seal," "notarial seal," or words of similar import, and no such seal appears of record, then all such acknowledgments, private examinations, or other proofs of such deeds, mortgages, or other instruments, and the registration thereof, are hereby made in all respects valid and binding: *Provided*, this act shall not apply to any pending litigation. Proviso: pending litigation.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 30th day of January, A. D. 1911.

CHAPTER 5.

AN ACT FOR THE RELIEF OF SHERIFFS AND TAX COLLECTORS.

The General Assembly of North Carolina do enact:

SECTION 1. That all sheriffs and tax collectors who by virtue of their office have had the tax lists for the purpose of collecting the taxes of their respective counties and towns in their hands, for the years one thousand nine hundred and eight, one thousand nine hundred and nine, and in cases of death or default, their personal representatives, bondsmen, or any agent they may designate, are hereby authorized and empowered to collect arrears of taxes for each of the years aforesaid, under such rules and regulations as are now or may hereafter be provided for collectorship of taxes. Collection of arrears authorized. Years.

SEC. 2. That no person shall be compelled to pay any tax under the provisions of section one of this act, who will make affidavit before any person authorized to administer oaths that the tax attempted to be collected has been paid, nor shall any executor, administrator, or guardian be compelled to pay any tax under the provisions of this act after he shall have made final settlement: *Provided*, that this act shall not authorize the sale of any land for taxes which has been conveyed to a purchaser for value and without actual notice of the nonpayment of the taxes. Persons not compelled to pay. Proviso: sale of land.

SEC. 3. That nothing herein contained shall be construed to relieve sheriffs, tax collectors, their representatives or bondsmen, from the liability imposed by law to pay the State, county, and other taxes at the time and place required by law. Liability not removed.

SEC. 4. That the authority herein given shall cease and determine on the first day of January, nineteen hundred and twelve. Term of authority.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this the 1st day of February, A. D. 1911.

CHAPTER 6.

AN ACT TO PREVENT FRAUDULENT ADDITIONS BEING
MADE TO DEEDS AND OTHER INSTRUMENTS.*The General Assembly of North Carolina do enact:*Blank spaces to
be filled.

SECTION 1. That registers of deeds shall, in registering deeds and other instruments, where printed skeletons or forms are used by the register, fill all spaces left blank in such skeletons or forms by drawing or stamping a line or lines in ink through such blank spaces.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 2d day of February, A. D. 1911.

CHAPTER 7.

AN ACT TO EQUALIZE AND APPORTION THE BURDEN OF
LOCAL ASSESSMENTS IMPOSED BY CITIES, TOWNS,
COUNTIES, TOWNSHIPS, OR MUNICIPAL DISTRICTS, OR
THE STATE OF NORTH CAROLINA, FOR PAVING
STREETS AND SIDEWALKS, LAYING SEWER AND WATER
LINES, DRAINING LOWLANDS, AND THE LIKE.*The General Assembly of North Carolina do enact:*Expense prorated
as to estate.

SECTION 1. That whenever any real estate is in the possession or enjoyment of a tenant for life, or a tenant for a term of years, and an assessment is laid or levied on said property by any city, town, county, township, municipal district, or the State, to cover the cost of permanent improvements ordered put thereon by the law or the ordinances of such city or town, township, or municipal district, such as paving streets and sidewalks, laying sewer and water lines, draining lowlands, and permanent improvements of a like character, which constitute a lien upon such property, the amount so assessed for such purposes shall be paid by the tenant for life or for years, and the remaindermen after the life estate, or the owner in fee after the expiration of the tenancy for a term of years, *pro rata* their respective interests in said real estate.

Mode of calcula-
tion of interest.

SEC. 2. That in calculating the respective interests of a tenant for life and the remainderman in fee, the duration of the life tenancy should be ascertained and the expectation of life of the tenant as is provided by law by the mortuary table, chapter thirty-four, volume one, Revisal of one thousand nine hundred and five, as near as may be justly and fairly done.

Action for contri-
bution.

SEC. 3. That if said assessment, after same shall be laid or levied, shall all be paid by either the tenant for life or the tenant for a term of years, or by the remainderman, or the owner in fee,

the party paying more than his *pro rata* share of the same shall have the right to maintain an action in the nature of a suit for contribution against the delinquent party to recover from him his *pro rata* share of such assessment, with interest thereon from the date of such payment, and be subrogated to the right of the city, town, township, municipal district, county, or the State, to a lien on said property for the same.

SEC. 4. This act shall be in force from and after its ratification.

Ratified this the 2d day of February, A. D. 1911.

CHAPTER 8.

AN ACT TO SECURE TO THE PEOPLE OF THE STATE OF NORTH CAROLINA THE USE OF THE LAKES IN BLADEN, COLUMBUS AND CUMBERLAND COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That White Lake, Singletary Lake, Black Lake, Waccamaw Lake, and any other lake in Bladen, Columbus, or Cumberland counties, containing five hundred acres or more, shall never be sold or conveyed to any person, firm, or corporation, but shall always be and remain the property of the State of North Carolina for the use and benefit of all the people of the State. Sale forbidden.

SEC. 2. That all laws or clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 2d day of February, A. D. 1911.

CHAPTER 9.

AN ACT TO PROVIDE FOR THE DOCKETING OF OWELTY CHARGES IN PARTITION PROCEEDINGS.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand four hundred and ninety-five of the Revisal of one thousand nine hundred and five be and the same is hereby amended by adding, after the word "assigns" in line five of said section, the following: "and in case owelty of partition is charged in favor of certain parts of said land and against certain other parts, the clerk shall enter on the judgment docket the said owelty charges in like manner as judgments are entered on said docket, persons to whom parts are allotted in favor Charges to be entered as judgments.

Plaintiffs. of which owelty is charged being marked plaintiffs on the judgment docket, and persons to whom parts are allotted against

Defendants. which owelty is charged being marked defendants on said docket;

Entry. that said entry on said docket shall contain the title of the special proceeding in which the land was partitioned, and shall refer to

References. the book and page in which the said special proceeding is recorded; that when said owelty charges are paid, said entry upon

Entry of satisfaction. the judgment docket shall be marked satisfied in like manner as

Fees. judgments are canceled and marked satisfied; and that the clerk shall be entitled to the same fees for entering such judgment of

Proviso: effect of docketing. owelty as he is entitled to for docketing other judgments: *Provided*, that the docketing of said owelty charges as hereinbefore set out shall not have the effect of releasing the land from the

Proviso: limit of lien. owelty charged in said special proceeding: *Provided*, any judgment docketed under this act shall not be a lien on any property whatever, except that upon which said owelty is made a specific charge.

SEC. 2. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 4th day of February, A. D. 1911.

CHAPTER 10.

AN ACT TO MAKE VALID CERTAIN PROBATES AND REGISTRATIONS OF DEEDS.

The General Assembly of North Carolina do enact:

Probates validated. SECTION 1. That all probates, acknowledgments, and private examinations of deeds and conveyances of land heretofore had or taken before masters in equity or masters in chancery in any other State are hereby made and declared to be valid, and all registrations of such deeds or conveyances upon such probates, acknowledgments and private examinations, or any of them, are hereby declared to be and shall be held and taken to be sufficient.

Registration to be held sufficient.

Papers and certified copies used in evidence. SEC. 2. That all such deeds and conveyances so proved or acknowledged and all registrations thereof upon such probates, acknowledgments, or private examinations, and all certified copies of such registrations, shall be received in evidence or otherwise used in the same manner and with the same force and effect as other deeds and conveyances with probates, acknowledgments, or private examinations made and had in accordance with provisions of statutes of this State in force at the time or times and as registrations thereof and certified copies of such registrations: *Provided*, that the provisions of this act shall not apply to any suit pending in the courts of this State or of the United States.

Proviso: pending suits.

SEC. 3. That nothing in this act contained shall have effect to Effect of act. deprive any one of any legal rights acquired, before its passage, from the grantors in such deeds or conveyances subsequently to their execution, where the deeds or conveyances by which such rights were so acquired have been duly acknowledged or probated under the statutes of this State then in force and duly registered under such statutes.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 15th day of February, A. D. 1911.

CHAPTER 11.

AN ACT TO AMEND SECTION 3662 OF THE REVISAL OF 1905, RELATIVE TO ESCAPES.

The General Assembly of North Carolina do enact:

SECTION 1. That section three thousand six hundred and sixty- Law extended. two of the Revisal of one thousand nine hundred and five be and the same is hereby amended by striking out the word "him," in line three, and inserting in lieu thereof the following: "any convict or person imprisoned, charged with crime, and awaiting trial."

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 3d day of February, A. D. 1911.

CHAPTER 12.

AN ACT TO REQUIRE COPY OF APPRAISAL FOR PURCHASE BY SURVIVING PARTNER AND SCHEDULE OF LIABILITIES TO BE FILED WITH THE CLERK.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand five hundred and forty- Copies to be filed. five of the Revisal of one thousand nine hundred and five be amended by inserting in line thirteen, immediately after the word "administrator," the words "and file a copy with the clerk of the court."

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of February, A. D. 1911.

CHAPTER 13.

AN ACT TO AMEND SECTION 3132, REVISAL OF 1905, TO FACILITATE THE PROBATE OF WILLS BY NONRESIDENT WITNESSES IN CERTAIN CASES.

The General Assembly of North Carolina do enact:

SECTION 1. That section three thousand one hundred and thirty-two, Revisal of one thousand nine hundred and five, be and the same is hereby amended as follows: Strike out the period at the end of said section and insert semicolon in lieu thereof, and add thereafter the following clause: "Also, when it shall be found as a fact upon affidavit or other proof, by the clerk of any county where a will is to be probated, that any witness or witnesses to said will reside outside of said county, and seventy-five miles or less from the place where the said will is to be probated, and that said witness or witnesses are so infirm of body as to be unable to appear in person before the said clerk to prove said will, then said clerk shall have the power and authority to issue a commission to take the deposition of the said witness or witnesses, the said commission and deposition of the said witness to be returned, and said clerk to adjudge the said will to be duly proven thereon as if the said witness or witnesses had appeared in person before him."

Commission to
take deposition.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 15th day of February, A. D. 1911.

CHAPTER 14.

AN ACT TO AMEND CHAPTER 97 OF THE PUBLIC LAWS OF 1907, IN RELATION TO THE STATISTICS OF LEAF TO-BACCO.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter ninety-seven of the Public Laws of one thousand nine hundred and seven be amended by striking out section four of said chapter and inserting in lieu thereof the following: "That any person violating the provisions of this act shall be guilty of a misdemeanor and punished within the discretion of the court, and, in addition thereto, shall be subject to a penalty of twenty-five dollars (\$25), to be sued for in the county in which said violation occurs, by the solicitor of that district, whenever he may be advised by the Commissioner of Agriculture that persons required by this act to make reports to him have failed to do so."

Misdemeanor.
Punishment.
Penalty.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 14th day of February, A. D. 1911.

CHAPTER 15.

AN ACT TO REGULATE THE SUMMONING OF TALES
JURORS.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand nine hundred and sixty-seven of the Revisal of one thousand nine hundred and five be and the same is hereby amended by adding after the word "day," in line six of said section, the following: "*Provided*, that the judge may upon his own motion, or upon request of counsel for either plaintiff or defendant, instruct the sheriff to summon such jurors outside of the courthouse." Summons outside
of courthouse.

SEC. 2. That this act shall be in force from and after ratification. Ratified this the 14th day of February, A. D. 1911.

CHAPTER 16.

AN ACT TO AMEND SECTION 3351 OF THE REVISAL OF
1905 OF NORTH CAROLINA, RELATING TO INCEST BE-
TWEEN CERTAIN NEAR RELATIVES.

The General Assembly of North Carolina do enact:

SECTION 1. That section three thousand three hundred and fifty-one of the Revisal of one thousand nine hundred and five of North Carolina be and the same is hereby amended by striking out the words "five years," in line five of said statute, and inserting instead thereof the words "fifteen years" between the words "exceeding" and "in." Punishment.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 11th day of February, A. D. 1911.

CHAPTER 17.

AN ACT TO AMEND SECTION 795, REVISAL OF 1905, CON-
CERNING UNDERTAKINGS BY DEFENDANTS IN CLAIM
AND DELIVERY PROCEEDINGS.

The General Assembly of North Carolina do enact:

SECTION 1. That section seven hundred and ninety-five of the Revisal of one thousand nine hundred and five be amended by inserting after the word "detention" and before the word "if," in line eight (8), the words, "and the costs"; and also by striking Replevy bonds.

out the period after the word "detention" and before the word "if," in line thirteen (13), and insert in lieu thereof a comma, followed by the words, "together with the costs of the action."

Application of act. SEC. 2. That this act shall be construed to apply only to actions of claim and delivery instituted in the Superior Courts.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 14th day of February, A. D. 1911.

CHAPTER 18.

AN ACT TO AMEND CHAPTER 540, PUBLIC LAWS 1909, RELATIVE TO FISHING IN ALBEMARLE SOUND AND ITS TRIBUTARIES.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter five hundred and forty, Public Laws one thousand nine hundred and nine, be and the same is hereby amended by adding after the word "committed," the last word in section three (3), the following: "It shall be the duty of the Fish Commissioner, or any of his assistants or deputies, whenever a complaint is made to him, either orally or in writing, stating that any of the laws relating to fish or fisheries are being violated at any particular place, to go himself or send a deputy to such place and investigate same, and he shall seize and remove all nets or other appliances set or being used in violation of the fisheries laws of the State, sell same at public auction after advertisement for twenty days at the courthouse and three other public places in the county in which the seizure was made, and apply the proceeds of sale to the payment of costs and expense of such removal, and pay any balance remaining, to the school fund of county nearest to where offense is committed. And the failure of the Fish Commissioner or his deputies to perform the above prescribed duty shall render his bond liable to penalty of five hundred dollars (\$500), one-half to go to the informant and the other half to be paid to the school fund of the county in which the action is brought.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 17th day of January, A. D. 1911.

Fish commissioner to investigate complaints.

Appliances used in violation of law to be seized and sold.

Application of proceeds.

Bond of commissioner liable for failure.

Penalty.

CHAPTER 19.

AN ACT TO PROVIDE GENERAL JURISDICTION FOR THE
FEBRUARY AND AUGUST TERMS OF THE SUPERIOR
COURT OF MOORE COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter eight hundred and sixty-four of Public Laws of one thousand nine hundred and nine be amended by striking out the words "for the trial of criminal cases exclusively" wherever they occur in the clause under the subhead "Moore County" in said chapter; and all terms of the Superior Court of Moore County now designated for the trial of criminal cases exclusively to be changed to terms with general jurisdiction to try both criminal and civil cases.

Terms heretofore exclusively for criminal trials given general jurisdiction.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 9th day of February, A. D. 1911.

CHAPTER 20.

AN ACT TO CORRECT STATE GRANT No. 711 OF YANCEY
COUNTY, NOW MITCHELL COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That State Grant number seven hundred and eleven for the county of Yancey, now Mitchell County, issued to Jesse Loving on the ninth day of September, one thousand eight hundred and sixty-four, be and the same is hereby corrected as follows: Add at the end of line eighteen, Record of Grants number one hundred and sixty-five, page two hundred and sixteen, in the office of the Secretary of State, the following: "Corner of said fifty-acre survey; thence north the same course thirty poles to a stake; thence west eleven poles to a stake; thence south with said English's line one hundred and fifty poles to a stake; thence west eleven poles to a stake; thence south sixty poles to a stake on said Reatherford's old line of the hundred-acre tract; thence east with said line to the beginning.

Grant corrected.

Correction.

SEC. 2. This act shall not affect any pending litigation for the accrued rights of others claiming adversely to the said Jesse Loving, his heirs or assigns.

Effect of act.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 14th day of February, A. D. 1911.

CHAPTER 21.

AN ACT FOR THE RELIEF OF THE APPALACHIAN
TRAINING SCHOOL.

Preamble.

Whereas the appropriation for the Appalachian Training School for the year one thousand nine hundred and eight was not fully paid by the Treasurer of the State until after the close of the fiscal year; and whereas a balance of one thousand dollars is still due the said institution for said year: therefore,

The General Assembly of North Carolina do enact:

Appropriation.

SECTION 1. That the Auditor of the State is hereby directed to draw his warrant upon the Treasurer of North Carolina for one thousand dollars in favor of said institution, which said amount is the balance appropriated for the year one thousand nine hundred and eight.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 10th day of February, A. D. 1911.

CHAPTER 22.

AN ACT FOR THE RELIEF OF WILLIAM A. BAILEY, MEM-
BER-ELECT TO THE HOUSE OF REPRESENTATIVES
FROM DAVIE COUNTY.

Preamble.

Whereas William A. Bailey was duly elected as a member of the House of Representatives of the General Assembly of North Carolina, at an election held for said county and State on Tuesday after the first Monday in November, for the year one thousand nine hundred and ten; and

Preamble.

Whereas the said William A. Bailey is now and has been physically unable to attend upon the General Assembly and take the oath of office in the manner now required by law: therefore,

The General Assembly of North Carolina do enact:

Qualification.

SECTION 1. That the said William A. Bailey be and he is hereby authorized and empowered to take and subscribe the oath of office required of members of the General Assembly before the Clerk of the Superior Court of Davie County, who shall certify said fact under his hand and seal of office to the chief clerk of the House of Representatives, who shall certify the same to the Auditor, and said Auditor shall thereupon draw his warrant upon the Treasurer for the payment of the sum of two hundred and forty dollars (\$240), the *per diem* of said William A. Bailey as a member of the

Warrant for per diem.

General Assembly, and the said William A. Bailey shall be released from attendance upon this General Assembly as a member as aforesaid, owing to his physical condition: *Provided, however,* that no mileage shall be paid said William A. Bailey unless he shall attend in person upon this General Assembly. Proviso: no mileage allowed.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 14th day of February, A. D. 1911.

CHAPTER 23.

AN ACT TO AMEND SECTION 2439 OF THE REVISAL OF 1905, RELATIVE TO DUTCH NETS IN ALBEMARLE SOUND AND ITS TRIBUTARIES.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand four hundred and thirty-nine, chapter fifty-eight of the Revisal of one thousand nine hundred and five, be and the same is hereby amended by striking out in line thirty-four the word "four" and inserting in lieu thereof the word "six," and by striking out in line thirty-five the word "four" and inserting in lieu thereof the word "six." Length of nets.

SEC. 2. That this act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of February, A. D. 1911.

CHAPTER 24.

AN ACT TO ESTABLISH AND PROVIDE FOR THE ORGANIZATION OF THE COUNTY OF HOKE FROM THE TERRITORY OF CUMBERLAND AND ROBESON COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That a county by the name of Hoke be and the same is hereby created and established out of and embracing the following described territory, viz.: County of Hoke established.

Beginning at the southwest corner of Blue Springs Township, in Robeson County, on Lumber River, and running thence up said Lumber River, the same being the boundary line between the counties of Robeson and Scotland, and continuing with the run of said Lumber River to the west corner of Cumberland County; thence north thirty-nine degrees east with the line dividing Cumberland and Moore counties to the Harnett County line; thence with the line of Cumberland and Harnett counties to the run of Boundary.

Hector's Creek; thence down the run of Hector's Creek to where it empties into Lower Little River; thence a direct line to the head of Little Rockfish Creek in Seventy-first Township, the same being a spring in A. B. McFadyen's field; thence down the run of Little Rockfish Creek to the central plank road, near the residence of D. A. Blue; thence a direct line to Black's Ford on Stewart's Creek; thence the various courses of Stewart's Creek to Big Rockfish Creek; thence a direct line southwesterly to the crossing of the public roads at Graham's Mill on Mill prong of Big Raft Swamp, in Robeson County; thence a direct line, nearly west, to the beginning.

Corporate powers. SEC. 2. That the said county of Hoke shall be and is hereby invested with all the rights, powers, and privileges of the several counties of the State, under general laws regulating the same, and shall be subject to such laws as now exist or may be hereafter enacted for the government of counties.

Commissioners for surveying and marking line. SEC. 3. That Jephtha Peele and W. T. Covington of the said county of Hoke be and they are hereby appointed commissioners on the part of Hoke County, and they or either of them shall meet a commissioner or commissioners of the counties of Robeson and Cumberland, some time within the year one thousand nine hundred and eleven (1911), and the said commissioners herein provided for shall proceed to select a competent surveyor, and, being sworn, they shall survey and mark the lines between said counties of Robeson and Hoke, and Cumberland and Hoke, as designated in this act, and shall make a report under their hands and seals, or the hands and seals of any two of them, representing opposite sides of said dividing line, to the board of commissioners of each of said counties, which report shall be spread upon the records of each of said boards as a part of their records. The said commissioners shall furnish the said board of commissioners of each of said counties with a map of their survey. Said commissioners who survey said line shall have power to employ such persons as may be necessary for making such survey, and said commissioners and their helpers shall be allowed reasonable compensation for their services, to be allowed by the board of commissioners of the county of Hoke: *Provided*, the commissioner or commissioners from the county of Robeson and the county of Cumberland shall be paid by the board of commissioners of their respective counties, and that said survey between said counties, as aforesaid, shall be made in accordance with the act creating the said county.

Surveyor. Report of survey. Map of survey. Employees. Compensation. Proviso: payment of commissioners.

SEC. 4. That the sheriffs and other county officers of the counties of Robeson and Cumberland shall continue to exercise the functions of their respective offices, in the detached portion of their respective counties, until the other officers of the county of Hoke shall have qualified as provided for in this act. All township officers of said portion herewith detached from Robeson and

County officers continued.

Township officers.

Cumberland counties shall continue and be officers in the county of Hoke as freely and fully and with like duties, powers, and requirements of the said offices as in other counties, and for such term as they may hold in and for the counties of Robeson and Cumberland: *Provided*, that all such officers shall within the month of April, A. D. one thousand nine hundred and eleven, file with the Clerk of the Superior Court of Hoke County, or the Board of Commissioners of Hoke County as originally required, a proper certificate that such officer had duly qualified in the county in which he had held office prior to the establishment of Hoke County: and *Provided further*, that each of said officers shall qualify in the county of Hoke and renew his bond where required by law.

Proviso: certificate of qualification.

Proviso: qualification in Hoke county.

SEC. 5. That on or before the fifteenth day of March, one thousand nine hundred and eleven, the Governor of the State shall appoint the following officers for the county of Hoke, viz.: A board of county commissioners, consisting of three members; a clerk of the Superior Court, a sheriff, a register of deeds, a treasurer, coroner, and county surveyor, who shall, until their successors are elected and qualified, exercise the powers and duties incident to their respective offices as completely and fully as if they had been regularly elected thereto; which said officers shall qualify and enter into the discharge of their said offices on the first Monday in April, one thousand nine hundred and eleven.

Date for appointment of officers. Governor to appoint. Officers to be appointed.

Date for qualification.

SEC. 6. That the several courts of the State shall have jurisdiction over and in the said county of Hoke, as such county, on and after the first Monday in April, A. D. one thousand nine hundred and eleven, to the same extent and in the same manner as the said courts have in and over the several counties in the State, and that on and after the first Monday in April, A. D. one thousand nine hundred and eleven, the said courts shall have jurisdiction of all matters in the county of Hoke as the said courts would have over the same matters and things without the formation of the said Hoke County. And it shall be no defense by pleading or otherwise as to the jurisdiction of said court over causes of action arising or that have arisen within the territory embraced in said Hoke County boundary line, brought into the court of said county of Hoke, that the said cause of action arose before the formation of the said county of Hoke: *Provided*, that this shall in no way affect the statutes of limitation governing said causes generally.

Jurisdiction of courts.

Proviso: statutes of limitation.

SEC. 7. That the Superior Courts of the county of Hoke shall sit at such place as shall be provided by the board of commissioners of said county, and the several officers shall be required to keep their offices at such places as shall be designated by the board of commissioners until the courthouse can be erected for said county.

Courthouse and county officers.

SEC. 8. That all civil and criminal cases pending in the Superior Courts of Robeson and Cumberland counties, or in any other courts held in said counties of Robeson and Cumberland, which would

Transfer of cases.

have been properly triable in the county of Hoke if the said county of Hoke had existed at the time said cause was instituted or the right of action therein accrued, or where the criminal offense charged was committed in the territory of the said county of Hoke, shall, upon motion of any defendant in any criminal cases pending, or upon motion of any party to civil causes, be transferred to the Superior or other proper court of Hoke County. Such motion for removal shall be made at the first term of the court wherein a cause shall be pending, which shall sit or be holden after the first Monday in April, A. D. one thousand nine hundred and eleven, and such transfer shall in no way work any preference or prejudice. It shall be the duty of the clerks of the Superior Courts of Robeson and Cumberland counties to transmit the original papers in all such cases removed, together with a proper record of all such causes removed, to the Clerk of the Superior Court of Hoke County. All actions, causes or proceedings, matters and things pending before the clerk of the Superior Court of the county of Robeson, or the clerk of the Superior Court of the county of Cumberland, which shall have been within the jurisdiction of the Clerk of the Superior Court of Hoke County, had the county of Hoke existed at the time said cause, proceeding, or matter was begun, or the right therein accrued, shall upon motion of any party thereto or interested therein be transferred to the county of Hoke and to the jurisdiction of the clerk of the Superior Court of said county, to be heard, determined, or proceeded with before him in all respects as if the said cause, matter, or proceeding had been begun in said county of Hoke. Upon such removal it shall be the duty of the clerk of the Superior Court of the county from which the removal is made to transmit to the clerk of the Superior Court of the county of Hoke the original papers in such cause, matter, or proceeding, together with a proper record thereof.

Motion for removal.

Papers to be transmitted.

Matters pending before clerks.

Papers to be transmitted.

Governor to order terms of court and assign judge.

Judge to hold court.

Advertisement of terms of court.

SEC. 9. That if this session of the General Assembly shall make no provision for the holding of Superior Courts in the said county of Hoke, it shall be the duty of the board of commissioners of said county to apply to the Governor of the State for a term to be holden as often as once each spring and once each fall, and it shall be the duty of the Governor to order such terms to be held at such times as he shall be able to assign a judge to hold same, preferably when the judge riding the district embracing said county shall be able to hold the same. And it shall be the duty of the judge assigned to hold said courts, as fully as if said court were regularly provided for as one of the regular courts of said district; but if said judge be unable for any cause to hold said court, whenever it may be ordered, then it shall be the duty of the Governor to assign some other judge to hold the same, who shall receive the usual compensation for the holding of extra terms of court. And it shall be the duty of the board of county

commissioners of the county of Hoke to advertise the time of holding said courts, for thirty days beforehand, in some newspaper published in said county, or in some newspaper having circulation in said county. All processes, both civil and criminal, shall be made returnable to said courts, and when it shall be necessary to issue summons or other process, or take any recognizance or bond for the appearance of any person at any of the said courts, and if the time of holding same be not known by the person or officer issuing the same, it shall be sufficient to make the same returnable to the next term of said court, without specifying a day certain: *Provided*, that if the time for holding said court be otherwise regulated by statute this section shall be void.

Issue and return of process.

Proviso: if time of herwise regulated.

SEC. 10. That it shall be the duty of the registers of deeds or clerks to the boards of commissioners of the counties of Robeson and Cumberland to transmit to the register of deeds or clerk of the board of county commissioners of the county of Hoke, on or before the first Monday in June, A. D. one thousand nine hundred and eleven, a certified list of all persons liable to jury duty residing within the detached portion of their respective counties, and within the county of Hoke, and which shall constitute the jury list for the county of Hoke, subject to the changes and revisions thereof required by law. The board of commissioners of the county of Hoke shall revise the jury list at its meeting on the first Monday in June, A. D. one thousand nine hundred and eleven, in the manner prescribed by law for the revision of the jury lists at other times, and shall have power to adjourn from time to time to complete said revision, or to postpone the said revision until the next regular meeting, when the said revision shall be made.

Jury lists.

Revision of jury list.

SEC. 11. That the courthouse of the said county of Hoke shall be located within the corporate limits of the town of Raeford.

Location of courthouse.

SEC. 12. That the county of Hoke shall bear its proportionate part of the debt of Robeson County and of Cumberland County, both bonded and floating, outstanding on the first Monday in April, A. D. one thousand nine hundred and eleven, and the proper levying officers shall proceed, according to law, to levy taxes to pay the same as it becomes due, and the tax collector of said county of Hoke shall collect the taxes so collected, and shall, on the first Monday in February of each and every year until said debts (bonded and floating) are paid in full, account to the boards of commissioners of Cumberland and Robeson counties for the proportionate part of said taxes due the respective counties.

Apportionment of county debts.

SEC. 13. That the boards of commissioners of the counties of Robeson and Cumberland, at their April meeting of the year one thousand nine hundred and eleven, shall each appoint two freeholders of their respective counties as arbitrators, and the board of commissioners of the county of Hoke shall appoint a like number at their first meeting, and said arbitrators for the county of Hoke

Arbitrators for apportionment of debt.

Apportionment
with Robeson
county.

and the county of Robeson, herein provided for, shall meet in the town of Lumberton, on Monday next after their appointment, and from time to time thereafter until their work has been completed; and after being duly sworn shall ascertain the outstanding indebtedness of Robeson County on the said first Monday in April, A. D. one thousand nine hundred and eleven, and upon the basis of the tax valuation of the county of Robeson and that portion of the county of Robeson embraced within the boundaries of the county

Basis of appor-
tionment.

of Hoke, shall determine the amount proportional to each county, of said indebtedness, based upon the tax valuation on the first day of June, A. D. one thousand nine hundred and ten, which indebtedness shall be paid in accordance with such findings, and the said arbitrators herein provided for Hoke County and Cumberland County shall meet in the city of Fayetteville on the second Monday next after their appointment, and from time to time thereafter until their work has been completed, and after being duly sworn they shall ascertain the outstanding indebtedness of Cumberland County on the first Monday in April, A. D. one thousand nine hundred and eleven, and upon the basis of the tax valuation of the county of Cumberland and that portion of Cumberland embraced within the boundaries of Hoke County shall determine the amount

Basis of appor-
tionment.

proportional to each county of said indebtedness, based upon the tax valuation on the first day of June, A. D. one thousand nine hundred and ten, which indebtedness shall be paid in accordance with such findings: *Provided*, that the board of commissioners of either county may appeal to the Superior Court of either county as provided for appeals from boards of county commissioners, and the same shall be heard as other causes, and may be removed to some other county upon motion, upon affidavit filed, if the judge presiding shall deem it proper or expedient to remove the same.

Proviso: right of
appeal.

And the said arbitrators shall determine the proportionate part of the funds on hand the first Monday in April, A. D. one thousand nine hundred and eleven, or the funds due the said counties of Robeson and Cumberland at that time, which shall be awarded to each of said counties, and shall determine what taxes shall be due and collectible by each of said counties, and shall certify their findings to the board of commissioners of their respective counties, and their findings shall be binding upon such counties. And from any of said findings a like appeal may be had as hereinbefore provided for. Said arbitrators shall be empowered to select an umpire who, after being duly sworn, shall serve with them. Said umpire to be selected from some county in North Carolina not affected by this act; and said arbitrators and umpire shall be empowered to send for parties and papers, administer oaths, and punish for contempt as provided for boards of county commissioners.

Apportionment
of funds on hand
and dues.

Umpire.

Board of elections.

SEC. 14. That on or before the first Monday in April, A. D. one thousand nine hundred and eleven, the chairman of the State

Board of Elections shall appoint a county board of elections for the county of Hoke. The members of the said board of elections shall hold their offices until their successors are appointed and qualified as provided for in the general election law.

Sec. 15. That this act shall be in force from and after its ratification.

Ratified this the 17th day of February, A. D. 1911.

CHAPTER 25.

AN ACT TO PROVIDE FOR THE BETTER ENFORCEMENT OF THE LIABILITY OF STOCKHOLDERS IN STATE BANKS.

The General Assembly of North Carolina do enact:

SECTION 1. That whenever any banking corporation chartered by the State shall become insolvent, and it shall appear to the court having jurisdiction of the cause that such assets of such bank are insufficient to discharge its obligations, and that it will be necessary to assess the shares of stock issued by such bank as provided by law, an accounting may be had in the original action and the shareholders made parties defendant thereto; and when upon the facts found it shall be adjudged that such deficiency exists and the amount thereof determined, the court shall assess the stock of such corporation equally and ratably, and not in excess of the limitation provided by statute, and adjudge the holders thereof indebted to the receiver of such corporation in proportion to the amount of stock therein credited to them upon the books of such bank within thirty days next preceding its suspension, and the certificates and shares of stock shall thereafter be evidence as against all shareholders of an indebtedness due such receiver equivalent to the assessment thereon, and such judgment shall establish the amount of the deficiency, the necessity of the assessment, the names of the shareholders, and their several liabilities as such.

Accounting in original action.

Shareholders made defendants.

Assessment of stock.

Judgment against holders.

Stock certificates evidence.

SEC. 2. That the receiver of such bank shall be empowered to demand, sue for, and collect by lawful process all indebtedness due from shareholders of such bank, whether such shareholders, or any of them, reside within or without the State, and wherever they or any of them or their legal representatives may be served with process, or wherever any property belonging to them, or any of them, or the estate of any of them, may be subject to attachment, garnishment, or other lawful process, and all indebtedness due from such shareholders, or any of them, their representatives or estates, shall be payable to the said receiver as corporate assets,

Suits and recoveries by receiver.

and the title thereto shall be vested in such receiver, to be by him applied for the equal benefit of all persons entitled to share in the distribution of the fund and disbursed ratably under the orders of the court.

Creditors as parties plaintiff.

SEC. 3. That the creditors of such insolvent State bank, and any of them, may be proper parties plaintiff to any action instituted by the receiver thereof against its shareholders, but they shall not be deemed necessary parties thereto.

Assignment evidence of insolvency.

SEC. 4. That when any State bank shall make a voluntary assignment of its assets to trustees, such fact shall be *prima facie* evidence of insolvency, and sufficient to authorize the appointment of a receiver.

Transfers of stock.

SEC. 5. That no transfer of the shares of stock in any insolvent State bank made within thirty days of its suspension shall operate to release or discharge the assignor thereof, but shall be *prima facie* evidence that such shareholder assigned the same with the knowledge of the insolvency of such bank and with an intent to avoid liability thereon.

Time for institution of suits by receiver.

SEC. 6. That the receiver of any insolvent State bank shall have the right, after an assessment upon the shares of stock therein, to institute civil actions against all or any of the shareholders therein within ten years next after such assessment, to reduce the liability thereon to final judgment.

Pending actions.

SEC. 7. That this act shall be effectual in all actions heretofore instituted by receivers of State banks, and shall be in full force and effect from and after its ratification.

Ratified this the 21st day of February, A. D. 1911.

CHAPTER 26.

AN ACT TO REGULATE FISHING IN ROANOKE SOUND.

The General Assembly of North Carolina do enact:

Use of nets forbidden.

SECTION 1. That it shall be unlawful for any person or persons to set any pound nets or any other kind of nets east of a line beginning at a point one thousand yards east of Hog Island Point and running direct to a point two hundred yards east of Broad Creek Point; thence following the east shore of Roanoke Island to Ballast Point; or set or fish any pound or dutch nets or any other kind of net in that portion of Roanoke Sound north of a line extending from Bellast Point east ten degrees north further from the shore than one-fifth of the width of said sound: *Provided*, that this section shall not prevent the setting of pound nets inside of Shallow Bag Bay; and *Provided further*, that the provisions of

Use of nets limited.

Proviso: Shallow Bag bay.

Proviso: shad and herring fishing.

this section shall apply only to that part of each year in which shad and herring fishing is permitted by law in the several waters.

SEC. 2. That any person or persons violating any of the provisions as set forth in section one of this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned at the discretion of the court. Misdemeanor.
Punishment.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 21st day of February, A. D. 1911.

CHAPTER 27.

AN ACT TO PLACE THE TOWN OF SALUDA WHOLLY WITHIN THE COUNTY OF POLK.

The General Assembly of North Carolina do enact:

SECTION 1. That that part of the town of Saluda that is now situated in the county of Henderson shall be and the same is hereby made a part of the county of Polk. Territory transferred.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 21st day of February, A. D. 1911.

CHAPTER 28.

AN ACT LIMITING THE LIABILITY TO BE ASSUMED BY FIDELITY AND SURETY COMPANIES.

The General Assembly of North Carolina do enact:

SECTION 1. No fidelity or surety company shall incur in behalf or on account of any one person, partnership, association, or corporation a liability for an amount larger than one-tenth of its assets, unless it shall be secured from loss thereon beyond that amount by suitable and sufficient collateral agreements of indemnity, by deposit with it in pledge or conveyance to it in trust, for its protection, of property equal in value to the excess of its liability over such limit, or, if such liability is incurred in behalf or on account of a fiduciary holding property in a trust capacity, by such deposit or other disposition of a suitable and sufficient Limitation.

portion of the estate so held that no further sale, mortgage, pledge, or other disposition can be made thereof without such company's approval, except by the decree of a court having proper jurisdiction.

Revocation of authority.

SEC. 2. If any such company violates the above provision of law the Insurance Commissioner may revoke its authority to transact business in this State.

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 21st day of February, A. D. 1911.

CHAPTER 29.

AN ACT TO AMEND SECTION 924 OF THE REVISAL OF 1905.

The General Assembly of North Carolina do enact:

SECTION 1. That section nine hundred and twenty-four (924) of the Revisal of one thousand nine hundred and five (1905) be and the same is hereby repealed, and the following inserted in lieu thereof:

"924. Clerk to pay \$100 or less for benefit of indigent and needy minors.

Payment authorized.

"Whenever any moneys, in the amount of one hundred dollars or less, shall be paid into court for indigent or needy children for whom no one will become guardian, upon satisfactory proof of the necessities of such children the clerk may, upon his own motion or order, pay out the same in such sum or sums at such time or times as in his judgment shall be for the best interests of said children, to the mother or other person who has charge of said children, or to some discreet and solvent neighbor of said minor, to be by them used and faithfully applied for the sole benefit and maintenance of such indigent and needy children. The clerk shall take a receipt from the person to whom any such sum is paid, and may require the said person to render an account of the expenditure of said sum or sums so paid, and shall record the receipt and the accounts, if any are rendered by order of the clerk, in a book entitled 'Record of Amounts Paid for Indigent Children,' and such receipt shall be a valid acquittance for the clerk."

Clerk to take receipt. May require account.

Record of receipt and accounts.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 21st day of February, A. D. 1911.

CHAPTER 30.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE LINE BETWEEN THE COUNTIES OF ALLEGHANY AND WILKES, AT CERTAIN DISPUTED POINTS.

Whereas the General Assembly of North Carolina at its session Preamble.
of one thousand eight hundred and ninety-one passed an act to change the dividing line between the counties of Alleghany and Wilkes, being chapter one hundred and sixty-six of Public Laws of one thousand eight hundred and ninety-one; and whereas said line has never been run and is in dispute between certain points called for in said act: therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That C. H. Colvard of the county of Wilkes and J. Commissioners
Lundy Joines of the county of Alleghany be and they are hereby appointed.
appointed commissioners to run, mark, and determine the line between said counties according to the changes and points called for in the act aforesaid. They shall report their action under their Report to county
hands and seals to the board of county commissioners of each of commissioners.
said counties on or before the first Monday in June, one thousand nine hundred and eleven, and the said boards shall record said re- Record of report.
port in their minutes, and the line so run, marked, or established Line established.
by said commissioners shall be hereafter regarded and accepted as the correct line between said counties as contemplated by the act aforesaid.

SEC. 2. That each of said commissioners shall be allowed the Pay of commis-
sum of three dollars *per diem* for such time not exceeding three sioners.
days as he may be engaged in performing the work referred to in this act. And the board of commissioners of each county shall pay the commissioner residing in their county for said service.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 21st day of February, A. D. 1911.

CHAPTER 31.

AN ACT TO AMEND CHAPTER 670 OF THE PUBLIC LAWS OF 1907, IN RELATION TO FERTILIZERS.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter six hundred and seventy of the Public Laws of one thousand nine hundred and seven be amended by inserting in line thirty-six of section two thereof, after the word "combination" and before the word "provided," the following:

Potash with lime. "except potash in combination with lime, which shall contain not less than two per cent of potash."

SEC. 2. That this act shall be in force from and after May first, one thousand nine hundred and eleven.

Ratified this the 22d day of February, A. D. 1911.

CHAPTER 32.

AN ACT TO AMEND SECTION 4731 OF THE REVISAL OF 1905, RELATING TO THE INVESTMENT OF CAPITAL OF INSURANCE COMPANIES.

The General Assembly of North Carolina do enact:

SECTION 1. That section four thousand seven hundred and thirty-one of the Revisal of one thousand nine hundred and five be amended by adding at the end thereof a new subsection, to be numbered subsection five, which shall be as follows: "That any real-estate title insurance company organized for any of the purposes set forth in section four thousand seven hundred and forty-five of the Revisal of one thousand nine hundred and five and having a capital stock of more than fifty thousand dollars (\$50,000) may, with the consent of the Insurance Commissioner, after investing fifty thousand dollars (\$50,000) of the capital, as provided in this section, invest the balance thereof in abstracts of titles of property situated in one or more of the cities or counties of this State: *Provided, however,* that the amount of capital so invested shall in no event exceed one-fourth of the total capital stock of such company: *Provided further,* that no real-estate title insurance company shall guarantee or insure in any one risk more than twenty (20) per cent of the combined capital and surplus of said company.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 23d day of February, A. D. 1911.

CHAPTER 33.

AN ACT TO ESTABLISH AND PROVIDE FOR THE ORGANIZATION OF THE COUNTY OF AVERY FROM THE TERRITORY OF MITCHELL, WATAUGA, AND CALDWELL COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That a county by the name of Avery, in honor of Col. Waightstill Avery of Revolutionary fame, be and the same is hereby created and established out of and embracing the following described territory:

Real-estate title insurance companies.

Investments authorized.

Proviso: limit.

Proviso: limit of risk.

Avery county established.

Beginning at the highest point of Grandfather Mountain, the Boundary. corner of Watauga, Caldwell and Mitchell counties, and running a direct line to the Hanging Rock Mountain; then with the dividing ridge to the Turnpike Road in the gap of Bower's Mountain; then a direct course to the eastern prospect on the eastern end of Beech Mountain; then a direct course to the Buckeye Spring; then down and with the meanders of Buckeye Creek to Beech Creek; then with the meanders of Beech Creek to Watauga River; then with the meanders of Watauga River to the Tennessee line; then with the Tennessee line to the Grassy Ridge Bald; then a direct line to Spear Top; then with the main height of Yellow Mountain to the highest point on Little Yellow Mountain; then a direct line to Pine Knob; then to the mouth of Gouge's Creek on Toe River; then south forty degrees east to the Bald Ground on Humpback Mountain at the McDowell County line; then with the McDowell County line to the Burke County line; then with the Burke County line to the Caldwell County line; then with the Burke and Caldwell line to the highest point on Chestnut Mountain; then a direct course to Anthony Creek so as to include all of Carey's Flats; then to the beginning.

SEC. 2. That the said county of Avery shall be and is hereby invested with all the rights, powers, and privileges of the several counties of the State under the general laws regulating the same, and shall be subject to such laws as now exist, or may be hereafter enacted for the government of counties. Rights, powers and privileges.

SEC. 3. That M. W. Clay and J. W. Burleson of the said county of Avery be and they are hereby appointed commissioners on the part of Avery County, and they, or either of them, shall meet a commissioner or commissioners of the counties of Mitchell, Caldwell, and Watauga, some time within the year one thousand nine hundred and eleven (1911), and the said commissioners herein provided for shall proceed to select a competent surveyor and, being sworn, they shall survey and mark the lines between said counties of Avery, Mitchell, Caldwell, and Watauga as designated in this act, and shall make a report under their hands and seals, or the hands and seals of any two of them, representing opposite sides of said dividing lines, to the board of commissioners of each of said counties, which report shall be spread upon the records of each of said boards as a part of their record. The said commissioners shall furnish the said board of commissioners of each of said counties with a map of their said surveys. Said commissioners who survey said line shall have power to employ such persons as may be necessary for making such survey, and said commissioners and their helpers shall be allowed a reasonable compensation for their services, to be allowed by the board of commissioners of the county of Avery: *Provided*, the commissioner or commissioners from the county of Mitchell and the county of Caldwell and the county of Watauga shall be paid by the board of commissioners of Commission to survey and mark lines. Reports. Record of reports. Employees. Pay of commissioners and helpers. Proviso: payment of commissioners of other counties.

the respective counties, and that said survey between said counties, as aforesaid, shall be made in accordance with the act creating said county.

Authority of county officers continued.

SEC. 4. That the sheriffs and other county officers of the counties of Mitchell, Caldwell, and Watauga shall continue to exercise the functions of their respective offices, in the detached portions of their respective counties, until the officers of the county of

Township officers.

Avery shall have qualified as provided for in this act. All township officers of said portion herewith detached from Mitchell, Caldwell, and Watauga counties shall continue and be officers in the county of Avery as freely and fully and with like duties, powers, and requirements of the said officers as in other counties, and for such terms as they may hold in and for the counties of

Proviso: certificates of qualification.

Mitchell, Caldwell, and Watauga: *Provided*, that all such officers shall, within the month of April, A. D. one thousand nine hundred and eleven (1911), file with the Clerk of the Superior Court of Avery County, or the Board of Commissioners of Avery County, as originally required, a proper certificate that such officer has duly qualified in the county in which he had held office prior to the establishment of Avery County; and *Provided further*, that each of said officers shall qualify in the county of Avery and renew his bond, where required by law.

Proviso: qualification in Avery county.

Appointment of county officers.

SEC. 5. That on or before the fifteenth day of May, one thousand nine hundred and eleven, the Governor of the State shall appoint the following officers of the county of Avery, viz.: A board of county commissioners, consisting of three members; a clerk of the Superior Court, a sheriff, a register of deeds, a treasurer, a coroner and county surveyor, who shall, until their successors are elected and qualified, exercise the powers and duties incident to their respective offices as completely and fully as if they had been regularly elected thereto; which said officers shall qualify and enter into the discharge of their said offices on the first Monday in April, one thousand nine hundred and eleven.

Appointees to qualify and enter upon duties.

Jurisdiction of courts.

SEC. 6. That the several courts of the State shall have jurisdiction over and in the said county of Avery, as such county, on and after the first Monday in April, A. D. one thousand nine hundred and eleven, to the same extent and in the same manner as the said courts have in and over the several counties in the State, and that on and after the first Monday in April, A. D. one thousand nine hundred and eleven, the said courts shall have jurisdiction of all matters in the county of Avery as the said courts would have over the same matters and things, without the formation of said Avery County. And it shall be no defense by pleading or otherwise, as to the jurisdiction of said court over causes of action arising or that may have arisen within the territory embraced in said Avery County boundary line, brought into the court of said county of Avery, that the said cause of action arose before the for-

mation of the said county of Avery: *Provided*, that this shall in no way affect the statute of limitations governing said causes generally. Proviso: statute of limitations.

SEC. 7. That the Superior Courts of the county of Avery shall sit at such places as shall be provided by the board of commissioners of said county, and the several officers shall be required to keep their offices at such places as shall be provided and designated by the board of commissioners until the courthouse can be erected for said county. Sittings of courts.
County officers.

SEC. 8. That all civil and criminal cases pending in the Superior Courts of Mitchell, Caldwell, and Watauga counties which would have been properly triable in the county of Avery, if the said county of Avery had existed at the time said cause was instituted or the right of action therein accrued, or where the criminal offense charged was committed in the territory of the said county of Avery, shall, upon motion of any defendant in any criminal case pending or upon motion of any party to civil causes, be transferred to the Superior or other proper court of Avery County. Transfer of cases pending.

Such motion for removal shall be made at the first term of the court wherein the cause shall be pending, which shall sit or be holden after the first Monday in April, A. D. one thousand nine hundred and eleven, and such transfer shall in no way work any preference or prejudice. It shall be the duty of the clerks of the Superior Courts of Mitchell, Caldwell, and Watauga counties to transmit the original papers in all such cases removed, together with a proper record of all such causes removed, to the Clerk of the Superior Court of Avery County. All actions, causes or proceedings, matters and things pending before the clerk of the Superior Court of the county of Mitchell or the clerk of the Superior Court of Caldwell or the clerk of the Superior Court of the county of Watauga which would have been within the jurisdiction of the Clerk of the Superior Court of Avery County, had the county of Avery existed at the time said cause, proceeding or matter was begun or the right therein accrued, shall upon motion of any party thereto or interested therein be transferred to the county of Avery and to the jurisdiction of the clerk of the Superior Court of said county, to be heard, determined, or proceeded with before him, in all respects as if the said cause, matter, or proceeding had been begun in said county of Avery. Upon such removal, it shall be the duty of the clerk of the Superior Court of the county from which the removal is made to transmit to the clerk of the Superior Court of the county of Avery the original papers in such cause, matter, or proceeding, together with a proper record thereof. Motion for removal.

SEC. 9. That if this session of the General Assembly shall make no provision for the holding of Superior Courts in said county of Avery, it shall be the duty of the board of commissioners of said county to apply to the Governor of the State for a term to be Papers and records to be transmitted.

no provision for the holding of Superior Courts in said county of Avery, it shall be the duty of the board of commissioners of said county to apply to the Governor of the State for a term to be Transfer of special proceedings.

no provision for the holding of Superior Courts in said county of Avery, it shall be the duty of the board of commissioners of said county to apply to the Governor of the State for a term to be Papers to be transmitted.

no provision for the holding of Superior Courts in said county of Avery, it shall be the duty of the board of commissioners of said county to apply to the Governor of the State for a term to be Sessions of court.

no provision for the holding of Superior Courts in said county of Avery, it shall be the duty of the board of commissioners of said county to apply to the Governor of the State for a term to be

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no provision for the holding of Superior Courts in said county of Avery, it shall be the duty of the board of commissioners of said county to apply to the Governor of the State for a term to be

- Governor to order terms. holden as often as once each spring and once each fall, and it shall be the duty of the Governor to order such term to be held at such times as he shall be able to assign a judge to hold the same, preferably when the judge riding the district embracing said county shall be able to hold the same. And it shall be the duty of the judge assigned to hold said court, as fully as if said court were regularly provided for as one of the regular courts of the district; but if said judge be unable for any cause to hold said court, whenever it may be ordered, then it shall be the duty of the Governor to assign some other judge to hold the same, who shall receive the usual compensation for the holding of extra terms of court. And it shall be the duty of the board of county commissioners of the county of Avery to advertise the time of holding the said court, for thirty days beforehand, in some newspaper published in said county or in some newspaper having circulation in said county. All processes, both civil and criminal, shall be made returnable to said courts, and when it shall be necessary to issue summons or other process, or take any recognizance or bond for the appearance of any person at any of the said courts, and if the time of holding same be not known by the person or officer issuing same, it shall be sufficient to make the same returnable to the next term of said court, without specifying a day certain: *Provided*, that if the time for holding said court be otherwise regulated by statute this section shall be void.
- Judges to hold court.
- Pay of judge.
- Advertisement of time of courts.
- Return of process.
- Proviso: terms regulated by statute.
- Jury lists.
- Revision of list.
- Committee for location of county-seat.
- SEC. 10. That it shall be the duty of the registers of deeds or clerks to the boards of commissioners of the counties of Mitchell, Caldwell, and Watauga, to transmit to the register of deeds or clerk of the board of county commissioners of the county of Avery, on or before the first Monday in June, A. D. one thousand nine hundred and eleven, a certified list of all persons liable to jury duty residing within the detached portion of their respective county, and within the county of Avery, and which shall constitute the jury list for the county of Avery, subject to the changes and revision thereof required by law. The board of commissioners of the county of Avery shall revise the jury list at its meeting on the first Monday in June, A. D. one thousand nine hundred and eleven, in the manner prescribed by law for the revision of jury list at other times, and shall have power to adjourn from time to time to complete said revision, or to postpone the said revision until the next regular meeting, when the said revision shall be made.
- SEC. 11. That the following named persons be and the same are hereby appointed a special committee to select two or more locations for a county-seat for the said county of Avery, upon which a courthouse and jail shall be erected, viz.: Brown Hughes, Robert Houston, T. A. Love, J. L. Banner, M. W. Clay, W. H. Ollis, T. B. Vance, Ralph Young, T. J. Ray, Harrison Baird, J. H. Walsh, J.

M. Cameron, T. L. Lowe, and C. B. Voncannon. The said committee will meet together at a time and place agreed upon by a majority thereof, and at said meeting they shall elect one of their number as chairman and a secretary, and after a majority of said committee shall have agreed upon the said sites, they shall make their report in writing to the board of commissioners of the county of Avery on the first Monday in May, A. D. one thousand nine hundred and eleven, unless the time for making such report shall be extended by the said board of commissioners; and upon receipt of such report it shall be the duty of the said Board of Commissioners of Avery County to order an election to be held in said county of Avery, submitting to the qualified electors of said county the question of the location of the said county-seat, and to advertise said election by notices posted in five public places in each township of said county, naming the purpose of such election and the time and places of holding the same, and to make all other necessary arrangements for the holding of said election as required by law. And in case the committee hereinbefore provided for shall select more than two sites or locations to be voted upon in said election, the location or site receiving the majority of the votes cast at said election shall be declared the county-seat: *Provided*, that in case neither of such locations voted upon shall receive a majority of all the votes cast, then and in that case the said board of commissioners of the county of Avery shall immediately order another election, advertising the same as in the first instance provided for, at which election the two locations receiving the greater number of votes at the first election shall be voted on and the site or location receiving the majority of votes at such second election shall be declared the county-seat of Avery County and shall bear the name "Newland."

SEC. 12. That for the purpose of erecting a courthouse and jail for and in the county of Avery, the board of county commissioners herein provided for shall have the power to issue county bonds in the sum of not exceeding thirty thousand dollars, bearing interest at a rate not greater than five per centum per annum; none of said bonds shall mature in less than ten years and none shall run for a longer period than twenty years; and for the purpose of paying off and discharging said bonds, together with the interest thereon accrued, the said board of county commissioners is hereby authorized, empowered, and directed to levy a special tax annually to pay the interest on said bonds and to pay a portion of said bonds after the expiration of ten years; or if, instead of issuing said bonds, the board of county commissioners shall deem it expedient, they shall have authority to purchase or receive by donation a suitable tract of land, and after first selecting suitable sites for a courthouse and jail upon said tract, they shall lay off the remainder of said tract so purchased or donated into lots and

Organization of committee.

Report of committee.

Election on location of county-seat.

Advertisement of election.

Alternative sites.

Proviso: second election.

Name of county-seat.

Bond issue authorized.

Amount.

Interest.

Maturity.

Special tax.

Power to acquire site.

Tract laid off in lots.

<p>Sale of lots. Application of proceeds. Surplus.</p>	<p>sell the same at either public or private sale, and apply the proceeds arising from the sale of said lots to the erection and construction of said courthouse and jail; and if there should be a surplus, after paying for the erection of said courthouse and jail, the same shall be held by the county treasurer for general county</p>
<p>Bonds for deficit.</p>	<p>purposes; but in the event that the fund arising from the sale of said lots as herein provided for shall not be sufficient for the erection of said courthouse and jail, the said board of commissioners shall issue bonds as hereinbefore provided for to meet the amount required to complete the same.</p>
<p>Apportionment of existing debts.</p>	<p>SEC. 13. That the county of Avery shall bear its proportionate part of the debt of Mitchell County, Caldwell County, and of Watauga County, both bonded and floating, outstanding on the first Monday of April, A. D. one thousand nine hundred and eleven, and the proper levying officers shall proceed, according to law, to levy taxes to pay the same as it becomes due, and the tax collector of said county of Avery shall collect the taxes so levied.</p>
<p>Tax levy for payment.</p>	<p>SEC. 14. That the boards of commissioners of the counties of Mitchell, Caldwell, and Watauga, at their April meetings of the year one thousand nine hundred and eleven, shall each appoint two freeholders of their respective counties as arbitrators, and the board of commissioners of the county of Avery shall appoint two freeholders as arbitrators, to settle with the county of Mitchell, and two such freeholders to settle with the county of Caldwell, and two such freeholders to settle with the county of Watauga, and the arbitrators herein provided for shall meet in the towns of Bakersville, Lenoir, and Boone, respectively, on Monday next after their appointment, and from time to time thereafter until their work has been completed; and after being duly sworn, shall ascertain the outstanding indebtedness of the respective counties on the said first Monday in April, A. D. one thousand nine hundred and eleven, and upon the basis of the tax valuation of the respective counties of Mitchell, Caldwell, and Watauga, embraced within the boundaries of the county of Avery, shall determine the amount proportional to each county of said indebtedness, based upon the tax valuation at the time such indebtedness was contracted, which indebtedness shall be paid in accordance with such finding. And the said arbitrators shall determine the proportionate part of the funds on hand the first Monday in April, A. D. one thousand nine hundred and eleven, or the funds due the said counties of Mitchell, Caldwell, and Watauga at that time, which shall be awarded to each of said counties, and shall determine what taxes shall be due and collectible by each of the said counties, and shall certify their findings to the board of commissioners of their respective counties, and their findings shall be binding upon said counties. Said arbitrators shall be empowered to select an umpire who, after being duly sworn, shall serve with them, said umpire to be selected from some</p>
<p>Arbitrators for apportionment of existing debts.</p>	
<p>Meetings of arbitrators.</p>	
<p>Basis of appor- tionment.</p>	
<p>Apportionment of funds on hand.</p>	
<p>Certificate of findings.</p>	
<p>Selection of umpire.</p>	

county in North Carolina not affected by this act, and the said arbitrators and umpire shall be empowered to send for parties and papers, administer oaths, and punish for contempt as provided for boards of county commissioners.

SEC. 15. *Provided, however,* that the territory included in the boundaries of Watauga County shall not be annexed to or become a part of the county of Avery until the question of annexation to the county of Avery shall have been submitted to a vote of the qualified voters living within that portion of Watauga County proposed to be annexed to the county of Avery, at an election to be held under the rules and regulations required by law for the election of members of the General Assembly of North Carolina on the first Tuesday in May, one thousand nine hundred and eleven; and that it shall be the duty of the board of elections of the county of Watauga to appoint registrars and judges for Shawneehaw and Beech Mountain townships, which registrars shall proceed to open the registration books for their respective townships as required by law for the election of members of the General Assembly of North Carolina, and said election shall be advertised for not less than twenty days in at least four public places in the townships of Shawneehaw and Beech Mountain respectively, and those voting for annexation to the county of Avery shall vote a ballot, either written or printed, the words, "For Annexation to the County of Avery," and those opposed to the said annexation shall vote a ballot, either written or printed, the words, "Against Annexation to the County of Avery." It shall be the duty of the said registrars and judges of said election to make due return of the result of said election on the second day after the election by one of their number to the Board of Elections of Watauga County, who, together with said board of elections, shall canvass the returns of said election, and under their hands and seals certify the result thereof; and if a majority of the qualified voters voting in said election shall have voted for annexation to the county of Avery, then the said territory shall be and become a part of the county of Avery; but if a majority of the qualified voters voting in said election shall vote against annexation to the county of Avery, then the same shall be and remain a part of the county of Watauga: *Provided further,* that it shall be the duty of the registrars for the townships of Shawneehaw and Beech Mountain respectively to make a list of the qualified voters living in the territory proposed to be ceded by this act to the county of Avery by the county of Watauga, and that no person living outside of said boundary shall be a qualified voter in said election: *Provided further,* that the county of Avery shall constitute a part of the Ninth Congressional District and a part of the Thirty-sixth Senatorial District.

Powers of arbitrators and umpire.

Proviso: election as to territory from Watauga county.

Date of election.

Election officers.

Registration.

Advertisement of election.

Ballots.

Returns.

Canvass of returns.
Certificate of result.
Effect of election.

Proviso: lists of voters.

Proviso: congressional and senatorial district.

SEC. 16. This act shall be in force from and after its ratification. Ratified this the 23d day of February, A. D. 1911.

CHAPTER 34.

AN ACT TO PROTECT PARTURIENT WOMEN AND INFANTS
AGAINST DRUNKENNESS AND LACK OF CLEANLINESS
ON PART OF MIDWIVES AND OTHERS.*The General Assembly of North Carolina do enact:*Persons forbidden
to practice
midwifery.

SECTION 1. That it shall be unlawful for any midwife or other person who habitually gets drunk, or who is addicted to the excessive use of cocaine or morphine or other opium derivative, to practice midwifery for a fee.

Disinfection of
hands of prac-
titioners.

SEC. 2. That it shall be unlawful for any midwife or other person who practices midwifery for fees to touch or otherwise handle the private parts of the person of any patient upon whom said person is in attendance unless said person so in attendance shall first and immediately previous thereto thoroughly wash and disinfect his or her hands.

Eyes of infant to
be washed.

SEC. 3. That it shall be unlawful for any midwife or other person who practices midwifery for a fee to neglect or otherwise fail to wash or have washed, immediately upon its birth, the eyes of the newly born babe with a proper antiseptic solution, such as a solution made of fifteen parts of boric acid to eighty-five parts of pure water.

Antiseptic
solution.Misdemeanor.
Punishment.

SEC. 4. That any person violating this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than five nor more than ten dollars.

SEC. 5. That this act shall be in force and effect from and after its ratification.

Ratified this the 23d day of February, A. D. 1911.

CHAPTER 35.

AN ACT TO PROHIBIT THE SALE OF NEAR-BEER, BEER-
INE, AND OTHER LIKE DRINKS.*The General Assembly of North Carolina do enact:*

Prohibition.

SECTION 1. That it shall be unlawful for any person or persons, firm or corporation to sell or dispose of, for gain, near-beer, beer-ine, or other spirituous, vinous, or malt liquors; or mixtures of any kind, and under whatsoever name called, that shall contain alcohol, or cocaine, or morphine, or other opium derivative, except as herein provided.

Any package or
quantity of drink
may be taken
from place of sale.

SEC. 2. That it shall be unlawful for any person or persons, firm or corporation, who is engaged in the sale of any kind of drinks, to refuse to allow any person to carry away from the place where

said drinks are being sold or offered for sale, any package or quantity of any size of said drink which has been bought and paid for; and if any person, firm, or corporation shall refuse to allow said package or quantity of said drink to be carried away from the place of sale, it shall be *prima facie* evidence of the violation of this act.

Refusal to allow carrying away *prima facie* evidence of violation.

SEC. 3. That any person or persons, firm or corporation in any county in this State violating the provisions of this act shall be guilty of a misdemeanor, and fined or imprisoned, or both, for each and every offense, in the discretion of the court: *Provided*, that this act shall not be construed to forbid the sale of spirituous, vinous, fermented, or malt liquors or intoxicating bitters by a legalized medical depository, or by any licensed and registered pharmacist, for sickness, upon the written prescription of a regularly licensed and actively practicing physician or surgeon having the person for whom said prescription is made under his charge, which said prescription shall specify the amount of spirits required; and that this act shall not be construed to prevent the sale of any alcoholic liquor to any legalized medical depository or to any licensed and registered pharmacist, or any cocaine or morphine or other opium derivative to any registered pharmacist; and that this act shall not be construed to forbid the sale of cocaine, morphine, or other opium derivative by a licensed pharmacist upon a written prescription by a regularly licensed physician or surgeon: *Provided further*, that this act shall not apply to the sale of domestic wines when sold in quantity of not less than two and one-half gallons in sealed packages or crated, on the premises where manufactured, or to the sale of cider in any quantity by the manufacturer from fruits grown on his land within the State of North Carolina, or to the sale of wine to any minister of religion or other officer of a church when said wine is bought for religious or sacramental purposes, or to the sale of flavoring extracts or essences when sold as such, or to the sale of medical preparations manufactured in accordance with formulas prescribed by the United States Pharmacopœia and National Formulary which contain no more alcohol than is necessary to extract the medical properties of the drug contained in such preparations, and no more alcohol than is necessary to hold the medical agents in solution, and which are manufactured and sold as medicines and not as beverages, or to the sale of any medical preparation which is manufactured, sold, and used as a medicine and not as a beverage, or to the sale of carbonated drinks that contain no more than one-tenth of one per cent of alcohol, and in which drinks a flavoring agent is used, in the manufacture of which flavoring agent alcohol is used to dissolve and hold in solution or to extract from the crude material and flavoring agent.

Violation of act misdemeanor.

Punishment.

Proviso: medical depositories.

Pharmacists.

Sales to medical depository or pharmacist.

Cocaine, morphine or opium derivative.

Proviso: domestic wine.

Cider.

Wine for sacramental purposes.

Flavoring extracts. Medical preparations.

Carbonated drinks.

SEC. 4. That this act shall be in force and effect from and after the first day of July, one thousand nine hundred and eleven.

When act effective.

Ratified this the 24th day of February, A. D. 1911.

CHAPTER 36.

AN ACT TO CONFER UPON THE SOUTHERN LAND RECLAMATION COMPANY THE RIGHTS CONFERRED UPON STATE BOARD OF EDUCATION BY CHAPTER 509, PUBLIC LAWS 1909.

Preamble.

Whereas the State Board of Education has sold and conveyed to Southern Land Reclamation Company the lands covered by the waters of Lake Mattamuskeet: now, therefore,

The General Assembly of North Carolina do enact:

Rights, privileges and benefits conferred.

SECTION 1. That all the rights, privileges, and benefits conferred upon the State Board of Education by chapter five hundred and nine of the Public Laws of one thousand nine hundred and nine are hereby conferred upon the Southern Land Reclamation Company, its successors and assigns.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 25th day of February, A. D. 1911.

CHAPTER 37.

AN ACT TO AMEND CHAPTER 968 OF THE PUBLIC LAWS OF 1907, RELATING TO THE WEARING OF THE BADGE, ETC., OF THE ORDER OF ELKS.

The General Assembly of North Carolina do enact:

Recital of incorporation.

SECTION 1. That section one of chapter nine hundred and sixty-eight of the Public Laws of one thousand nine hundred and seven be amended by striking out all after the word "America," in line three thereof, down to and including the word "States," in line eight thereof.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 25th day of February, A. D. 1911.

CHAPTER 38.

AN ACT TO PRESCRIBE TIME FOR HOLDING THE COURTS OF THE FIRST JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

Laws repealed.

SECTION 1. That chapters two hundred and ten and five hundred and thirty-eight, Public Laws of one thousand nine hundred and nine, and all that part of section one thousand five hundred and

six of the Revisal of one thousand nine hundred and five, which prescribes the time for holding the courts of the different counties of the First Judicial District, be and they are hereby repealed, and the following enacted in lieu thereof, to wit:

The First District shall be composed of the following counties, First district. and the Superior Courts thereof shall be held at the following times, to wit:

BEAUFORT COUNTY—Second Monday before the first Monday in Beaufort county. March, to continue two weeks, for the trial of civil causes only; tenth Monday after the first Monday in March, to continue for one week, for the trial of criminal causes only: except that the said term for one thousand nine hundred and eleven shall be for the trial of civil causes only; twelfth Monday after the first Monday in March, to continue three weeks, for the trial of civil causes; sixth Monday after the first Monday in September, to continue two weeks, for trial of criminal and civil causes; twelfth Monday after the first Monday in September, to continue for three weeks, the first two of which for the trial of civil and the last for the trial of criminal causes.

CURRITUCK COUNTY—First Monday in March, to continue one Currituck county. week; first Monday in September, to continue one week, each for the trial of both criminal and civil causes.

CAMDEN COUNTY—First Monday after the first Monday in Camden county. March; first Monday after the first Monday in September, both terms for the trial of criminal and civil causes.

PASQUOTANK COUNTY—Sixth Monday before the first Monday in Pasquotank county. March, to continue two weeks, for trial of civil causes only; second Monday after the first Monday in March, to continue one week; second Monday after the first Monday in September, for one week. The last two terms for the trial of criminal and civil causes.

PERQUIMANS COUNTY—Third Monday after the first Monday in Perquimans county. March, for one week; third Monday after the first Monday in September, for one week, both for trial of criminal and civil causes.

CHOWAN COUNTY—Fourth Monday after the first Monday in Chowan county. March, for one week; fourth Monday after the first Monday in September, for one week, both for trial of criminal and civil causes.

GATES COUNTY—Fifth Monday after the first Monday in March, Gates county. for one week, and fifth Monday after the first Monday in September, for one week, both for trial of criminal and civil causes.

WASHINGTON COUNTY—Third Monday before the first Monday in Washington county. March, for one week, for the trial of civil causes only; sixth Monday after the first Monday in March, for one week, and eighth Monday after the first Monday in September, for one week, the last two terms for trial of criminal and civil causes.

Dare county.

DARE COUNTY—Tuesday after the ninth Monday after the first Monday in March, for one week, and Tuesday after the tenth Monday after the first Monday in September, for one week. Both terms for the trial of criminal and civil causes.

Tyrrell county.

TYRRELL COUNTY—Tuesday after the seventh Monday after the first Monday in March, for two weeks, and Tuesday after the ninth Monday after the first Monday in September, for one week, both terms for the trial of criminal and civil causes.

Hyde county.

HYDE COUNTY—Eleventh Monday after the first Monday in March for one week, and eleventh Monday after the first Monday in September, for one week, both terms for trial of criminal and civil causes.

Process heretofore issued.

SEC. 2. That any and all process heretofore issued and made returnable, whether the same shall have already been returned or not, to the terms of the courts of any of the said counties, as of the time for holding said courts under laws heretofore existing, are declared valid, and the clerks of the courts of the said counties shall notify all parties and witnesses of change, if any, made by this act.

Clerks to notify parties and witnesses.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

Copies of acts to be sent to clerks.

SEC. 4. That it shall be the duty of the Secretary of State to send a certified copy of this act to the clerks of the Superior Courts of each of the counties herein named, immediately upon its ratification.

When act effective.

SEC. 5. That this act shall go into effect on the first day of April, one thousand nine hundred and eleven.

Ratified this the 25th day of February, A. D. 1911.

CHAPTER 39.

AN ACT TO PERMIT EXECUTORS AND OTHER FIDUCIARIES TO RESIGN THEIR TRUSTS IN CERTAIN CASES.

The General Assembly of North Carolina do enact:

Clerks of superior courts may accept resignations and appoint successors.

SECTION 1. That the several clerks of the Superior Courts of this State shall have power and jurisdiction to accept the resignation of executors, administrators, guardians, trustees, and other fiduciaries and to appoint their successors in the manner provided by this act.

Petition to be filed.

SEC. 2. That whenever any executor, administrator, guardian, trustee, or other fiduciary may desire to resign his trust, he shall file his petition in the office of the clerk of the Superior Court of the county in which he qualified or in which the instrument under which he claims is registered, which petition shall set forth all the facts in connection with the appointment and qualification of the

Contents of petition.

applicant as such fiduciary, with a copy of the instrument under which he acts; shall state the names, ages, and residences of all the *cestuis que trustent* and other parties interested in the trust estate; shall contain a full and complete statement of all debts or liabilities due by the estate, and a full and complete statement of all assets belonging to said estate, and a full and complete statement of all moneys, securities, or assets in the hands of the fiduciary and due the estate, together with a full statement of the reasons why the applicant should be permitted to resign his trust; and said petition shall be verified by the oath of the applicant.

Verification of petition.

SEC. 3. Upon the filing of such petition, the clerk shall docket the cause as a special proceeding with the fiduciary as plaintiff and the *cestuis que trustent* as defendants, and shall issue summons for the defendants, and the procedure shall be the same as in other special proceedings. If any of the defendants be nonresidents, then summons may be served by publication; and if any be infants, then a guardian *ad litem* shall be appointed by the court to represent their interests in the manner now provided by law. The *cestuis que trustent*, creditors, or any other person interested in the trust estate, shall have the right to answer said petition or traverse the same and to offer evidence why the prayer of the petition should not be granted. The clerk shall then proceed to hear and determine the matter, and if it shall appear to the court that the best interests of the creditors and the *cestuis que trustent* demand that the resignation of the fiduciary be accepted, or if it shall appear to the court that sufficient reasons exist for allowing the resignation, and that such resignation can be allowed without prejudice or injury to the rights of creditors or the *cestuis que trustent*, then the clerk may, in the exercise of his discretion, allow the applicant to resign; and in such case the clerk shall proceed to appoint the successor of the petitioner in the manner provided in this act: *Provided, however*, that in making an order allowing such fiduciary to resign, the clerk shall make such order concerning the costs of the proceedings and commissions to the fiduciary as may be just, and if there be no appeal from the decision and order of the clerk within the time prescribed by law, then the proceeding shall be submitted to the judge of the Superior Court, and approved by him before the same shall become effective.

Special proceeding. Parties.

Procedure. Nonresidents and infants.

Answer or traverse to petition.

Hearing on petition.

Proviso: costs.

Proceeding approved by judge.

Appeals.

SEC. 4. Any party in interest may appeal from the decision of the clerk to the judge at chambers, and in such event the procedure shall be the same as in other special proceedings as now provided by law: *Provided, however*, that if the clerk shall allow the resignation, and an appeal shall be taken from his decision, such appeal shall have the effect to stay the judgment and order of the clerk until the cause be heard and determined by the judge upon the appeal taken.

Proviso: appeals to stay judgment.

Hearing on appeal.

SEC. 5. Upon an appeal taken from the clerk to the judge, the judge shall have the power to review the findings of fact made by the clerk and to find the facts or to take other evidence, but the facts found by the judge shall be final and conclusive upon any appeal to the Supreme Court.

Findings of fact by judge final.

Final account to be filed and approved.

SEC. 6. No executor, administrator, guardian, trustee, or other fiduciary shall be allowed or permitted to resign his trust until he shall first file with the court his final account of the trust estate, and until the court shall be satisfied that the said account is true and correct; and in case the resignation of the fiduciary is accepted by the court, the same shall not go into effect, or release or discharge the fiduciary from liability, until he shall have accounted to his successor in full for all moneys, securities, property or other assets or things of value in his possession or under his control or which should be in his possession or under his control belonging to the trust estate.

Settlement with successor.

Court to appoint successor.

SEC. 7. If the court shall allow any executor, administrator, guardian, trustee, or other fiduciary to resign his trust upon compliance with the provisions of this act, it shall be the duty of the court to proceed to appoint some fit and suitable person as the successor of such executor, administrator, guardian, trustee, or other fiduciary; and the court shall require the person so appointed to give bond with sufficient surety, approved by the court, in a sum double the value of the property to come into his hands, conditioned upon the faithful performance of his duties as such fiduciary and for the payment to the persons entitled to receive the same of all moneys, assets, or other things of value which may come into his hands. All bonds executed under the provisions of this act shall be filed with the clerk, and shall be recorded in his office in a book to be kept for that purpose.

Bonds of successors.

Bonds to be filed and recorded.

Rights and duties accruing to successors.

SEC. 8. Upon the acceptance by the court of the resignation of any executor, administrator, guardian, trustee, or other fiduciary, and upon the appointment by the court of his successor in the manner provided by this act, the substituted trustee shall succeed to all the rights, powers, and privileges, and shall be subject to all the duties, liabilities, and responsibilities that were imposed upon the original trustee.

Fiduciaries entitled to benefit of act.

SEC. 9. Any executor, administrator, guardian, trustee, or other fiduciary who has qualified as such prior to the passage of this act and who shall not have completed the administration of his trust, shall be entitled to the benefits of this act upon compliance with the terms and provisions hereof.

SEC. 10. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

SEC. 11. This act shall be in force from and after its ratification. Ratified this the 25th day of February, A. D. 1911.

CHAPTER 40.

AN ACT TO REGULATE THE TIME FOR HOLDING SUPERIOR COURTS IN BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand five hundred and six of the Revisal of one thousand nine hundred and five, subchapter entitled "Seventh District," be amended by striking out all after the words "Brunswick County" which refers to the times for holding courts in Brunswick County, and insert in lieu thereof the words, "second Monday after the first Monday in March; fourth Monday before the first Monday in September, for the trial of civil cases exclusively; fourth Monday after the first Monday in September. Court shall not convene on Monday of said terms before noon." Terms of court.
Hour for convening.

SEC. 2. That all laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 25th day of February, A. D. 1911.

CHAPTER 41.

AN ACT TO REQUIRE THE RAILROADS OF NORTH CAROLINA TO SUPPLY ADDITIONAL FACILITIES AT DEPOTS TO EXCHANGE MILEAGE.

The General Assembly of North Carolina do enact:

SECTION 1. That all railroad companies of one hundred miles or more in length doing business in whole or in part in the State of North Carolina are hereby required to provide and keep at all depots in cities or towns of two thousand and over in population as fixed by the United States Census of the year one thousand nine hundred and ten, two windows, opening in the waiting-room for passengers of the race using the greatest amount of mileage or coupon books, for the sale or exchange of fares on all passenger trains in North Carolina; one of said windows to be used for the sale of cash fares exclusively, and the other for the sale and exchange of mileage or coupon books. Each window to be attended by an agent whose duty it shall be to wait upon the traveling public, during the hours now prescribed, for the sale of cash-fare tickets and the sale and exchange of mileage or coupon books. And that over each such window the said railroad companies shall be and they are hereby required to place and keep a sign, painted in plain letters, "Mileage Exchange" and "Cash Fares," respectively: Railroad companies to provide windows in waiting-rooms.
Window for cash fares.
Mileage or coupon books.
Each window attended by agent.
Signs over windows.

Proviso: excep-
tions.

Proviso: junctions
specifically
named.

Corporation com-
mission may ex-
tend provisions
of act.

Corporation com-
mission may
restrict operation
of act.
Provisions applied
by corporation
commission.

Penalty on rail-
road company
failing to comply
with act.

Baggage.

When act
effective.

Provided, that the provisions of this act shall not apply to any railroad company in North Carolina, as aforesaid, selling mileage or coupon books at a rate of not more than two cents per mile and pulling or taking the same on the train: *Provided further*, that all the provisions of this section shall apply to the following railroad junctions in this State, irrespective of population, namely: Dunn, Selma, Maxton, Hamlet, Norlina, and Sanford.

SEC. 2. That the Corporation Commission of North Carolina shall upon complaint, and in its discretion, apply the provisions of section one of this act to railroad junctions in this State not named in the proviso of section one of this act, and to cities or towns of less than two thousand population; and said Corporation Commission may in like manner take out, in its discretion, cities or towns of over two thousand population; and when the said provisions of section one of this act are so applied by said Corporation Commission, then all the provisions of this act shall apply to all the said railroads, and they shall be subject to all such penalties as are herein provided for failure to comply with this act.

SEC. 3. Any railroad company failing to comply in good faith with the provisions of this act shall be liable to a penalty of fifty dollars per day for each city or town where such failure occurs covered by the provisions of this act, or taken in by the Corporation Commission as herein provided, to be recovered by any citizen demanding cash-fare or mileage tickets at any depot in any town in this State, within the provisions of this act, in an action brought by any such passenger.

SEC. 4. Any legal holder of any such mileage-book shall be privileged to have his baggage checked before the exchange of mileage for a ticket entitling such holder to transportation upon the surrender of the baggage slip forming a part of such mileage-book for the requisite number of miles and the payment of all proper excess baggage charge.

SEC. 5. That this act shall be in full force and effect from and after the first day of May, one thousand nine hundred and eleven. Ratified this the 8th day of March, A. D. 1911.

CHAPTER 42.

AN ACT TO APPOINT MEMBERS OF THE COUNTY BOARDS OF EDUCATION.

The General Assembly of North Carolina do enact:

Appointment.

Term.

SECTION 1. That the following named persons are hereby appointed members of the county boards of education in and for their respective counties for a term of six years from the first Monday of July, one thousand nine hundred and eleven, that is to say:

<i>Alamance</i> —J. L. SCOTT.	Alamance.
<i>Alexander</i> —V. W. TEAGUE.	Alexander.
<i>Alleghany</i> —J. LUNDY JOINES.	Alleghany.
<i>Anson</i> —U. B. BLALOCK.	Anson.
<i>Ashe</i> —I. H. STUART.	Ashe.
<i>Beaufort</i> —E. W. AYERS.	Beaufort.
<i>Bertie</i> —J. LAWRENCE HARRINGTON.	Bertie.
<i>Bladen</i> —W. H. G. LUCAS.	Bladen.
<i>Brunswick</i> —D. B. EDWARDS.	Brunswick.
<i>Burke</i> —JOSEPH T. MCGIMSEY.	Burke.
<i>Cabarrus</i> —W. F. SMITH.	Cabarrus.
<i>Caldwell</i> —M. L. GREER.	Caldwell.
<i>Camden</i> —JAMES E. COOK.	Camden.
<i>Carteret</i> —J. F. MORRIS.	Carteret.
<i>Caswell</i> —L. A. GWYNN.	Caswell.
<i>Catawba</i> —F. J. DELLINGER.	Catawba.
<i>Chatham</i> —W. B. HARDEN.	Chatham.
<i>Cherokee</i> —W. G. SPARKS.	Cherokee.
<i>Chowan</i> —J. E. TWINE.	Chowan.
<i>Clay</i> —DOW EVANS.	Clay.
<i>Columbus</i> —A. H. PORTER.	Columbus.
<i>Craven</i> —JOHN S. MORTON, THOMAS D. WARREN to fill out unexpired term of R. A. NUNN for four years from first Monday in July, 1911.	Craven.
<i>Cumberland</i> —J. W. HALL, W. L. WILLIAMS to fill out unexpired term of A. D. MCGILL, two years from the first Monday in July, 1911.	
<i>Currituck</i> —S. H. MANN.	Currituck.
<i>Dare</i> —T. J. FULCHER.	Dare.
<i>Davidson</i> —H. S. RADCLIFFE, six years (to fill unexpired term of Davidson. S. A. AVERITT, resigned), J. W. LAMBETH.	
<i>Davie</i> —A. W. ELLIS.	Davie.
<i>Duplin</i> —A. L. MCGOWAN.	Duplin.
<i>Durham</i> —R. P. READE.	Durham.
<i>Forsyth</i> —J. W. PINNIX.	Forsyth.
<i>Franklin</i> —H. D. EGERTON.	Franklin.
<i>Gaston</i> —J. H. RUDASILL.	Gaston.
<i>Gates</i> —J. BAKER HOLLAND.	Gates.
<i>Graham</i> —J. M. EDWARDS.	Graham.
<i>Granville</i> —T. G. CURRIN.	Granville.
<i>Greene</i> —JOHN HARVEY.	Greene.
<i>Guilford</i> —W. T. WHITSETT.	Guilford.
<i>Halifax</i> —W. R. NEVILLE.	Halifax.
<i>Harnett</i> —O. BRADLEY.	Harnett.
<i>Haywood</i> —T. L. GWYNN.	Haywood.
<i>Henderson</i> —J. W. MORGAN.	Henderson.
<i>Hertford</i> —J. E. VANN.	Hertford.

Hyde.	<i>Hyde</i> —Z. T. FORTESCUE.
Jackson.	<i>Jackson</i> —M. BUCHANAN.
Johnston.	<i>Johnston</i> —W. G. WILSON.
Jackson.	<i>Jones</i> —G. G. NOBLE.
Lee.	<i>Lec</i> —E. K. JUDD.
Lenoir.	<i>Lenoir</i> —J. M. PARROTT.
Lincoln.	<i>Lincoln</i> —F. J. LEATHERMAN.
Macon.	<i>Macon</i> —T. C. BRYSON.
Madison.	<i>Madison</i> —W. R. SAMS.
Martin.	<i>Martin</i> —L. B. WYNNE.
McDowell.	<i>McDowell</i> —W. C. MORRIS.
Mitchell.	<i>Mitchell</i> —J. W. GUDGER.
Montgomery.	<i>Montgomery</i> —A. R. MOORE.
Moore.	<i>Moore</i> —J. R. McQUEEN.
Nash.	<i>Nash</i> —I. F. FINCH.
New Hanover.	<i>New Hanover</i> —J. G. L. GIESCHEN.
Northampton.	<i>Northampton</i> —W. T. JOYNER.
Onslow.	<i>Onslow</i> —O. F. JUSTICE.
Orange.	<i>Orange</i> —CHARLES McDADE.
Pamlico.	<i>Panlico</i> —GEORGE W. BRINSON.
Pasquotank.	<i>Pasquotank</i> —J. E. CORBETT.
Pender.	<i>Pender</i> —J. R. BANNERMAN.
Perquimans.	<i>Perquimans</i> —J. H. WARD.
Person.	<i>Person</i> —W. R. WILKERSON.
Pitt.	<i>Pitt</i> —A. G. COX.
Polk.	<i>Polk</i> —S. B. WEAVER.
Randolph.	<i>Randolph</i> —C. H. PHILLIPS.
Richmond.	<i>Richmond</i> —A. H. McDONALD.
Robeson.	<i>Robeson</i> —T. L. JOHNSON.
Rockingham.	<i>Rockingham</i> —JOSEPH H. LANE.
Rowan.	<i>Rowan</i> —P. A. SLOOP.
Sampson.	<i>Sampson</i> —W. A. BIZZELL.
Scotland.	<i>Scotland</i> —E. L. McNAIR.
Stanly.	<i>Stanly</i> —J. A. LITTLE.
Stokes.	<i>Stokes</i> —S. P. CHRISTIAN.
Surry.	<i>Surry</i> —B. J. SNOW.
Swain.	<i>Swain</i> —S. W. BLACK.
Transylvania.	<i>Transylvania</i> —J. H. HOUSE.
Tyrrell.	<i>Tyrrell</i> —PAUL JONES.
Union.	<i>Union</i> —E. E. MARSH, for a term of six years, and L. R. HELMS to fill the unexpired term of P. S. MAY of Union.
Vance.	<i>Vance</i> —JAMES E. KIMBALL.
Wake.	<i>Wake</i> —M. C. CHAMBLEE.
Warren.	<i>Warren</i> —HOWARD F. JONES.
Washington.	<i>Washington</i> —H. A. LITCHFIELD.
Watauga.	<i>Watanga</i> —NEWTON HOWELL.
Wayne.	<i>Wayne</i> —W. F. ENGLISH.

Wilkes—C. F. FIELDS.

Wilkes.

Wilson—B. J. THOMPSON.

Wilson.

Yadkin—JOHN L. REAVIS.

Yadkin.

Yancey—MOLT HENSLEY.

Yancey.

SEC. 2. That the following named persons are hereby appointed members of the county boards of education in and for their respective counties, the first named person for each county for the term of two years from the first Monday of July, one thousand nine hundred and eleven, the second named person for each county for a term of four years from the first Monday of July, one thousand nine hundred and eleven, and the last named person for each county for a term of six years from the first Monday of July, one thousand nine hundred and eleven, that is to say :

Avery—.....

Full boards appointed.

Terms.

Avery.

Hoke—J. A. HODGIN, NEILL MCKINNON, D. A. McDONALD.

Hoke.

SEC. 3. That the Secretary of State shall within sixty days after the ratification of this act send a certified copy of the names of the members of the county boards of education appointed by this act for the respective counties to the clerk of the Superior Court of each county in the State; thereupon said clerk shall immediately notify each member of his appointment, and direct said members to appear at the courthouse on the first Monday of July, for the purpose of qualifying as directed by law.

Secretary of state to certify elections.

Clerk of superior court to notify members.

SEC. 4. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

SEC. 5. That this act shall be in force and effect from and after its ratification.

Ratified this the 8th day of March, A. D. 1911.

CHAPTER 43.

AN ACT SUPPLEMENTAL TO S. B. 1759, H. B. 2053, PASSED BY THE LEGISLATURE OF 1911 [CHAPTER 42], IN REGARD TO COUNTY BOARDS OF EDUCATION.

The General Assembly of North Carolina do enact:

SECTION 1. That the name of H. A. Litchfield for Washington County be stricken out and that the name of William Wiley be substituted in lieu thereof.

Member for Washington county.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1911.

CHAPTER 44.

AN ACT TO AUTHORIZE THE PROBATING AND REGISTRATION OF CERTAIN DEEDS BY CORPORATIONS.

The General Assembly of North Carolina do enact:

Probates of instruments of corporations out of existence.

SECTION 1. That it shall be competent for the clerk of the Superior Court in any county in this State, on proof before him upon the oath and examination of the subscribing witness to any contract or instrument required to be registered under the laws of this State, to adjudge and order that such contract or instrument be registered as by law provided, when such contract or instrument is signed by any corporation in its corporate name by its president, and when such corporation has been out of existence for more than ten years when the said contract or instrument is offered for probate and registration, and when the grantee and those claiming under any such grantee have been in the uninterrupted possession of the property described in said contract or instrument since the date of its execution; and that said contract or instrument so probated and registered shall be as effective to all intents and purposes as if signed, sealed, and acknowledged, or proven, as provided under the existing laws of this State.

Possession under such instruments.

Pending suits not affected.

SEC. 2. This act shall in no way affect pending suits.

SEC. 3. This act shall be in full force from and after its ratification.

Ratified this the 27th day of February, A. D. 1911.

CHAPTER 45.

AN ACT TO AMEND CHAPTER 807 OF THE PUBLIC LAWS OF 1909, DEFINING THE DUTY OF THE SHERIFF OR OTHER POLICE OFFICER WITH REFERENCE TO ILLICIT DISTILLERIES.

The General Assembly of North Carolina do enact:

Proviso: payment not made unless seizure bona fide.

SECTION 1. That chapter eight hundred and seven of the Public Laws of one thousand nine hundred and nine be amended by adding to the end of section three the following: "*Provided*, that the board of commissioners shall not pay this amount if they are satisfied, after due investigation, that the seizure of said distillery was not *bona fide* made."

Action for claim.

SEC. 2. That the person making the seizure may institute an action before the proper court for the amount claimed under and by virtue of the seizure; then the matter may be inquired into on its merits and judgment rendered accordingly.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 27th day of February, A. D. 1911.

CHAPTER 46.

AN ACT TO RAISE REVENUE.

The General Assembly of North Carolina do enact:

SCHEDULE A.

SECTION 1. *Objects for which taxes are levied.*

That the taxes hereinafter designated are payable in the existing National currency, and shall be assessed and collected under the rules and regulations prescribed by law, and applied to the payment of the expenses of the State Government, the appropriations to charitable and penal institutions, other specific appropriations made by law, and the interest on the four per centum consolidated debt of this State.

Taxes payable in national currency. Assessment and collection. Application.

SEC. 2. *Poll tax.*

On each taxable poll or male between the ages of twenty-one and fifty years, except the poor and infirm whom the county commissioners may declare and record fit subjects for exemption, there shall be annually levied and collected a tax of one dollar and twenty-nine cents, the proceeds of such tax to be devoted to purposes of education and the support of the poor, as may be prescribed by law, not inconsistent with the apportionment established by section two of article five of the Constitution of this State.

Poll tax.

SEC. 3. *Rate.*

There shall be levied and collected annually an *ad valorem* tax of twenty-one cents for State purposes, four cents for pensions and twenty cents for public schools, making forty-five cents on every one hundred dollars value of real and personal property in this State required to be listed in "An act to provide for the assessment of property and collection of taxes," subject to exemptions made by law, and no city or other municipal corporation shall have power to impose, levy or collect any greater sum on real and personal property than one per centum of the value thereof, except by authority from the General Assembly.

Ad valorem tax. For State purposes. For pensions. For schools.

Tax by municipal corporations.

SEC. 4. *Corporation taxes payable to State Treasurer.*

Every corporation, joint-stock association, limited partnership or company whatsoever, except corporations specifically taxed by a different method elsewhere in this chapter, from which a report is required by law to be made to the State Auditor or State Treasurer or Corporation Commission, shall be subject to and pay to the State Treasurer annually a tax as prescribed in section three upon each one hundred dollars of the actual value of its whole capital stock of all kinds, including common, special and preferred, as ascertained in the manner prescribed by law; and it shall be the duty of the treasurer or other officer having charge of any such

Corporations subject to tax.

Ad valorem on capital stock.

Tax to be paid to State treasurer.

corporation, joint-stock association or limited partnership upon which a tax is imposed to transmit the amount of the tax to the State Treasurer within thirty days from the date of the settlement of the account by the Auditor and State Treasurer or Corporation Commission: *Provided*, that for the purposes of this act, interests in limited partnerships or joint-stock associations shall be deemed to be capital stock and taxed accordingly: *Provided, also*, that corporations, limited partnerships and joint-stock associations liable to tax on capital stock under this section shall not be required to make any report or pay any further tax on mortgages, bonds, other securities and credits owned by them in their own right; but corporations, limited partnerships and joint-stock associations holding such securities as trustees, executors, administrators, guardians or in any other manner shall return and pay the tax imposed by this act upon the securities so held by them as in case of individuals. Individual stockholders in any corporation, joint-stock association, limited partnership or company paying a tax on its capital stock shall not be required to pay any tax on said stock or list the same, nor shall corporations legally holding capital stock in other corporations upon which the tax has been paid by the corporation issuing the same be required to pay any tax on said stock or list the same.

SEC. 5. *Tax exemptions repealed.*

Whenever in any law or act of incorporation, granted either under the general law or by special act, there is any limitation or exemption of taxation, the same is hereby repealed, and all the property and effects of all such corporations shall be liable to taxation, except property belonging to the United States and to municipal corporations and property held for the benefit of churches, religious societies, charitable, educational, literary or benevolent institutions or orders, and also cemeteries: *Provided*, that no property whatever held or used for investment, speculation or rent shall be exempt, unless said rent shall be used exclusively for charitable or benevolent purposes or to pay the interest upon the bonded indebtedness of said religious, charitable or benevolent institutions.

INHERITANCE TAX.

SCHEDULE AA.

SEC. 6. *Rate of inheritance tax.*

From and after the passage of this act, all real and personal property of whatever kind and nature which shall pass by will or by the intestate laws of this State from any person who may die seized or possessed of the same while a resident of this State, whether the person or persons dying seized thereof be domiciled within or out of the State, or if the decedent was not a resident of this State at the time of his death, such property or any part

Proviso: interests in limited partnerships and joint-stock associations. Proviso: mortgages, bonds and other securities and credits owned by corporations.

Securities held in trust.

Stockholders relieved from tax on capital stock.

Limitations on or exemptions from taxation repealed.

Property excepted.

Proviso: property held for investment, speculation or rent.

Property subject to inheritance tax.

thereof within this State, or any interest therein or income therefrom which shall be transferred by deed, grant, sale or gift, made in contemplation of the death of the grantor, bargainor, donor or assignor, or intended to take effect, in possession or enjoyment after such death, to any person or persons or to bodies corporate or politic, in trust or otherwise, or by reason whereof any person or body corporate or politic shall become beneficially entitled in possession or expectancy to any property or the income thereof, shall be and hereby is made subject to a tax for the benefit of the State, as follows, that is to say: Where the whole amount of the property, real or personal, which shall pass from a decedent to an heir at law, distributee, devisee, or legatee, by will, by the intestate laws of this State, or by deed, grant, sale or gift made in contemplation of death, shall exceed in value the sum of two thousand dollars, as determined by the appraisal hereinafter provided for, the tax upon the excess shall be as follows:

Value of property;
tax upon
excess.

First. Where the person or persons entitled to any beneficial interest in such property shall be the lineal issue or lineal ancestor, brother or sister of the person who died possessed of such property aforesaid, or where the person to whom such property shall be devised or bequeathed stood in the relation of child to the person who died possessed of such property aforesaid, at the rate of seventy-five cents for each and every hundred dollars of the clear value of such interest in such property; and this clause shall apply to all cases where the taxes have not been paid by the executor or administrator or other representative of the deceased person. The clerk of the Superior Court shall determine whether any person to whom property is so devised or bequeathed stands in the relation of child to the decedent.

Rate if beneficiary be lineal issue or ancestor, brother or sister, or stands in relation of child to decedent.

Second. Where the person or persons entitled to any beneficial interest in such property shall be the descendant of a brother or sister of the person who died possessed as aforesaid, at the rate of one dollar and fifty cents for each and every hundred dollars of the clear value of such interest.

Rate if beneficiary be descendant of brother or sister of decedent.

Third. Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the father or mother, or a descendant of the brother or sister of the father or mother of the person who died possessed as aforesaid, at the rate of three dollars for each and every hundred dollars of the clear value of such interest.

Rate if beneficiary be brother or sister of parent of decedent or descendant of such brother or sister.

Fourth. Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the grandfather or grandmother, or a descendant of the brother or sister of the grandfather or grandmother of the person who died possessed as aforesaid, at the rate of four dollars for each and every hundred dollars of the clear value of such interest.

Rate if beneficiary be brother or sister of grandparent of decedent or descendant of such brother or sister.

Fifth. Where the person or persons entitled to any beneficial interest in such property shall be in any other degree of collateral

Rate if beneficiary be in any other degree of collateral consanguinity.

consanguinity than is hereinbefore stated, or shall be a stranger in blood to the person who died possessed as aforesaid, or shall be a body politic or corporate, where the whole amount of said legacy or distributive share of real or personal property shall exceed two thousand dollars and shall not exceed five thousand dollars, the tax shall be at the rate of five dollars for each and every hundred dollars of the clear value of such interest: *Provided*, that all legacies or property passing by will or by laws of this State to husband or wife of the person who died possessed as aforesaid, or for religious, charitable or educational purposes, shall be exempt from tax or duty. Where the amount or value of said property shall exceed the sum of five thousand dollars, but shall not exceed the sum or value of ten thousand dollars, the rates of tax above set forth shall be multiplied by one and one-half; and where the amount or value of said property shall exceed the sum of ten thousand dollars, but shall not exceed the sum of twenty-five thousand dollars, such rates of tax shall be multiplied by two; and where the amount or value of said property shall exceed the sum of twenty-five thousand dollars, but shall not exceed the sum of fifty thousand dollars, such rates of tax shall be multiplied by two and one-half; and where the amount or value of said property shall exceed the sum of fifty thousand dollars, such rates of tax shall be multiplied by three; but this graduated increase of rate shall only apply to the provisions of subdivision five of this section: *Provided*, that when property is devised or bequeathed to a trustee for another or others, the rate of such inheritance tax to be paid on such devise or bequest shall be determined by the relationship of the *cestui que trust* or *cestuis que trustent* to the testator.

Sixth. That whenever an estate subject to the tax under this act shall be settled or divided among the heirs at law, legatees or devisees, without the qualification and appointment of a personal representative, the clerk of the Superior Court of the county wherein the estate is situated shall certify the same to the Corporation Commission, and shall also require such heirs at law, legatees or devisees, to report to him under oath the value of said personal estate, and he shall ascertain the value of the real estate from the tax returns as aforesaid, and shall report said valuation to the Corporation Commission. The clerk is authorized and required to cite all interested parties to appear before him and make the report herein required and pay to him the amount of the inheritance tax due upon said property, and the clerk shall transmit the amount thereof to the State Treasurer, and the clerk shall be allowed three per cent of the tax collected by him from the parties liable for the inheritance tax collected from an estate upon which there is no administration. In case payment is not made as required herein, the clerk shall certify to the sheriff the amount of tax due upon such inheritance, and the sheriff shall collect the same as other taxes.

Proviso: property passing to husband or wife exempt.

Graduated tax.

Value from \$5,000 to \$10,000.

Value from \$10,000 to \$25,000.

Value \$25,000 to \$50,000.

Value in excess of \$50,000.

Application of graduated increase.

Proviso: property passing to trustees.

Clerk to certify to corporation commission estates settled without administration.

Sworn report of value of estate.

Report of value to corporation commission.

Tax to be paid to clerk.

Clerk to transmit to State treasurer.

Allowance to clerk.

Collection by sheriff.

SEC. 7. *When all heirs, legatees, etc., are discharged from liability.*

All heirs, legatees, devisees, administrators, executors and trustees shall only be discharged from liability for the amount of such taxes, the settlement of which they may be charged with, by paying the same for the use aforesaid as hereinafter provided.

Payment of tax only discharge from liability.

SEC. 8. That if said tax is not paid at the end of two years after the death of the decedent six per cent per annum shall be charged thereon until same is paid.

Interest on delayed payment.

SEC. 9. *Executor, etc., shall deduct tax.*

The executor or administrator or other trustee paying any legacy or share in the distribution of any estate subject to said tax shall deduct therefrom at the rate prescribed, or if the legacy or share in the estate be not money he shall demand payment of a sum to be computed at the same rates upon the appraised value thereof for the use of the State; and no executor or administrator shall be compelled to pay or deliver any specific legacy or article to be distributed, subject to tax, except on the payment into his hands of a sum computed on its value as aforesaid; and in case of neglect or refusal on the part of said legatee to pay the same such specific legacy or article or so much thereof as shall be necessary shall be sold by such executor or administrator at public sale, after notice to such legatee, and the balance that may be left in the hands of the executor or administrator shall be distributed as is or may be directed by law; and every sum of money retained by any executor or administrator or paid into his hands on account of any legacy or distributive share for the use of the State shall be paid by him to the proper officer without delay.

Taxes to be deducted from legacies and shares.

Payments from recipients of estates other than money.

Sale of article charged with tax.

Distribution of surplus.

SEC. 10. *Legacy for life, etc., tax to be retained upon the whole amount.*

If the legacy subject to said tax be given to any person for life or for a term of years or for any other limited period, upon a condition or contingency, if the same be money, the tax thereon shall be retained upon the whole amount; but if not money, application shall be made to the court having jurisdiction of the accounts of executors and administrators to make apportionment, if the case requires it, of the sum to be paid by such legatee, and for such further order relative thereto as equity shall require.

Tax retained if estate be in money.

Apportionment if estate be in kind.

SEC. 11. *Legacy charged upon real estate, heir or devisee to deduct and pay to executor, etc.*

Whenever such legacy shall be charged upon or payable out of real estate the heir or devisee of such real estate, before paying the same to such legatee, shall deduct therefrom at the rates aforesaid, and pay the amount so deducted to the executor or administrator, and the same shall remain a charge upon such real estate until paid, and in default thereof the same shall be enforced by

Heir to deduct tax from legacy charged on real estate.

Tax a charge on real estate. Enforcement of collection.

Proviso: lien on personal property of estate. the decree of the court in the same manner as the payment of such legacy may be enforced: *Provided*, that all taxes imposed by this act shall be a lien upon the personal property of the estate on which the tax is imposed or upon the proceeds arising from the sale of such property, from the time said tax is due and payable, and shall continue a lien until said tax is paid and receipted for by the proper officer of the State.

SEC. 12. *Executor or administrator to take duplicate receipts from the clerk of the court.*

Duplicate receipts. Copy forwarded to auditor. Duty of auditor. It shall be the duty of any executor or administrator, on the payment of said tax, to take duplicate receipts from the clerk of the court, one of which shall be forwarded forthwith to the Auditor of the State, whose duty it shall be to charge the clerk receiving the money with the amount, and seal with the seal of his office and countersign the receipt and transmit it to the executor or administrator, whereupon it shall be a proper voucher in the settlement of the estate, but in no event shall an executor or administrator be entitled to a credit in his account by the clerk unless the receipt is so sealed and countersigned by the Auditor of the State.

SEC. 13. *Foreign executor or administrator transferring stock shall pay the tax on such transfer.*

Foreign fiduciaries to pay tax on transfers of stock. Liability of corporation. Whenever any foreign executor or administrator or trustee shall assign or transfer any stocks or bonds in this State standing in the name of the decedent or in trust for a decedent, which shall be liable for the said tax, such tax shall be paid on the transfer thereof to the clerk of the court of the county where such transfer is made; otherwise, the corporation permitting such transfer shall become liable to pay such tax.

SEC. 14. *Proportion of tax to be repaid upon certain conditions.*

Repayment of tax on legacies subjected to contribution. Whenever debts shall be proven against the estate of a decedent, after the distribution of legacies from which the inheritance tax has been deducted in compliance with this act, and the legatee is required to refund any portion of the legacy, a proportion of the said tax shall be repaid to him by the executor or administrator if the said tax has not been paid into the State Treasury, or shall be refunded by the State Treasurer if it has been so paid in.

SEC. 15. *Appraiser to be appointed by the clerk, etc.*

Clerk to appoint appraisers. Appraisement of estates. Assessment of annuities and life estates. It shall be the duty of the clerk of the court of the county in which letters testamentary or of administration are granted to appoint an appraiser, as often as and whenever occasion may require, to fix the valuation of estates which are or shall be subject to inheritance tax, and it shall be the duty of said appraiser to make a fair and conscionable appraisement of such estates; and it shall further be the duty of such appraiser to assess and fix the cash value of all annuities and life estates

growing out of said estates, upon which annuities and life estates the inheritance tax shall be immediately payable out of the estate at the rate of such valuation: *Provided*, that any person or persons not satisfied with said appraisal shall have the right to appeal within sixty days to the court of the proper county on paying or giving security to pay all costs, together with whatever tax shall be fixed by said court, and upon such appeal said court shall have jurisdiction to determine all questions of valuation and of the liability of the appraised estate for such tax, subject to the right of appeal to the Supreme Court as in other cases. The compensation of appraisers appointed under this act shall be at the rate of three dollars per day for each day necessarily employed in making the appraisal, together with such necessary traveling expenses as may be incurred, a statement of which shall be properly itemized and sworn to, subject to the final approval of the Auditor of State before payment is made by the clerk of the court.

Tax on annuities and life estates.

Proviso: appeal from appraisalment.

Security on appeal.

Jurisdiction of court on appeal.

Appeal to supreme court. Compensation of appraisers.

Itemized statement.

Sec. 16. *Misdemeanor for appraiser to take fee or reward from executor or administrator.*

It shall be a misdemeanor for any appraiser appointed by the clerk to make any appraisal in behalf of the State to take any fee or reward from any executor or administrator, legatee, next of kin or heir of any decedent, and for any such offense the clerk of the court shall dismiss him from such service, and upon conviction in the Superior Court he shall be fined not exceeding five hundred dollars and imprisoned not exceeding one year, or both, or either, at the discretion of the court.

Misdemeanor for appraiser to receive fee or reward.

Dismissal from service. Punishment.

Sec. 17. *Clerk to enter returns made by appraisers, etc.*

It shall be the duty of the clerk of the court to enter in a book to be provided at the expense of the State, to be kept for that purpose, and which shall be a public record, the returns made by all appraisers, under this act, opening an account in favor of the State against the decedent's estate; and the clerk may give certificates of payment of such tax from such record; and it shall be the duty of the clerk of the court to transmit to the Auditor of the State on the first Monday of each month a statement of all returns made by appraisers during the preceding month, giving the name of the estate and the clear valuation thereof, subject to the foregoing tax, and the amount of the tax, which statement shall be entered by the Auditor in a book to be kept by him for that purpose; and whenever any such tax shall have remained due and unpaid for one year it shall be lawful for the clerk of the court to apply to the court by bill or petition to enforce the payment of the same; whereupon said court, having caused due notice to be given to the owner or owners of the estate charged with the tax and to such other person or persons as may be interested, shall proceed according to equity to make such decrees or orders for the payment of the said tax out of such estates as shall be just and proper.

Clerks to enter returns of appraisers.

Public record.

Statement of account.

Certificates of payment.

Monthly statements to auditor.

Petition for enforcement of payment.

Notice of petition.

Proceedings on petition.

SEC. 18. *Court may order executor, etc., to file account, etc.*

Citation to compel filing of account.

If the clerk of the court shall discover that said tax has not been paid according to law, the court shall be authorized to cite the executors or administrators of the decedent whose estate is

Citation to show cause.

subject to the tax to file an account or to issue a citation to the executors, administrators, legatees or heirs, citing them to appear on a day certain and show cause why the said tax should not be

Citation by publication.

paid, and when personal service cannot be had, notice shall be given for four weeks, once a week, in at least one newspaper published in said county; and if the said tax shall be found to be

Delinquent to pay tax, interest and costs.

due and unpaid the said delinquent shall pay said tax, interest and costs; and it shall be the duty of the solicitor of the district in which the said delinquent resides to sue for the recovery and

Solicitor to sue.

amount of such tax, and for such services he shall be allowed a fee, to be fixed by the judge, not to exceed five per cent of the amount recovered. The Auditor of the State is authorized and

Fee of solicitor.

empowered, in settlement of accounts of any clerk, to allow him costs of advertising and other reasonable fees and expenses incurred in the collection of said tax.

Allowance to clerks on settlement.

SEC. 19. *Clerk to be agent of the State for collection of said tax.*

Clerks agents of State.

The clerks of the courts of the several counties of this State shall be the agents of the State for the collection of the said tax, and for services rendered in collecting and paying over the same the said agents shall be allowed to retain for their own use such percentage as may be allowed by the Auditor, not exceeding three per centum on all taxes paid and accounted for.

Percentage allowed clerks.

SEC. 20. *Clerk to be liable on his official bond.*

Liability of clerk on bond.

The said clerks of the courts shall be liable on their official bonds to the State for the faithful performance of the duties hereby imposed and for the regular accounting and paying over of the amounts to be collected and received.

SEC. 21. *Clerk to make returns and payments to the State Treasurer.*

Monthly returns and payments by clerks to auditor.

It shall be the duty of the clerk of the court of each county to make returns and payments to the State Treasurer of the taxes under this act which he shall have received, stating for what

Penalty for retention of money.

estate paid, on the first Monday of each month; and for all taxes collected by him and not paid over to the State Treasurer within ten days after said monthly return of the same he shall pay interest at the rate of twelve per centum per annum until paid.

INCOME TAX.

SEC. 22. *Taxpayer to show his income on list.*

Taxpayer to list income.

The taxpayer shall list his income for the year ending June first from any and all sources in excess of one thousand dollars.

SEC. 23. *What question blank shall contain in regard to income.*

The blanks for listing taxes shall contain the following question: "Was your gross income from salaries, fees, trades, professions and property not taxed, any and all of them, for the year ending June first, in excess of one thousand dollars?" If the taxpayer answers the question in the affirmative the list taker shall see that the amount of such excess is placed upon the blank provided for that purpose, and the taxes against the income shall be paid together with other taxes for that year, and it shall be unlawful for any person to print or publish in any manner any income tax or any part thereof or the taxes due thereunder, and any person offending against the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine not exceeding fifty dollars or be imprisoned not more than thirty days for each offense.

Question as to income.

Excess placed on list.

Publication of returns of incomes forbidden.

Misdemeanor.

Punishment.

SEC. 24. *Rate of income tax.*

On all gross incomes as provided in the preceding section hereof a tax shall be levied as follows: On the excess over the amount legally exempted, one per cent. The above tax shall not be levied upon the income derived from property already taxed nor upon income less than one thousand dollars. The incomes subject to the above tax are those derived from property not taxed; from salaries, fees and commissions, public or private; from annuities; from trades or professions, and from any other sources the incomes from which are not specifically exempted from taxation by law.

Rate of income tax.

Incomes exempt.

Incomes subject to tax.

SEC. 25. No city, town, township or county shall levy any inheritance tax or income tax.

No county or municipal tax on inheritances or incomes.

SCHEDULE B.

SEC. 26. *Defining taxes under this schedule.*

Taxes in this schedule shall be imposed as license tax for the privilege of carrying on the business or doing the act named, and nothing in this act contained shall be construed to relieve any person or corporation from the payment of tax as required in the preceding schedule. The license issued under this schedule shall be for twelve months and shall expire on the thirty-first day of May of each year. Such license thus obtained shall be a personal privilege and shall not be transferable nor any abatement in the tax allowed; and unless otherwise provided in the section levying the tax, the tax levied for the use and benefit of the State shall be collected in the county in which the business is conducted.

License taxes.

Term of licenses.

License not transferable. No abatement allowed.

Tax collected where business is conducted.

SEC. 27. *Theaters.*

On each room or hall used as a theater or opera house where public exhibitions or performances are given for profit, the license tax shall be as follows: In cities or towns of one thousand inhabitants or more, the license shall be \$100; in towns of 1,000 or less, the license shall be \$50.

Theaters and opera houses.

In towns of 1,000 or less.

In towns of 1,000 to 3,000. In towns 3,000 to 5,000. In towns 5,000 to 10,000. In towns 10,000 to 15,000. In towns over 15,000. License issued by sheriff and posted at entrance.

Division of tax.

Companies performing in licensed halls exempt.

Companies performing in other than licensed halls.

Owner of place of exhibition liable for tax. Artists exhibiting their own work. Proviso: tax for week.

County, city and town tax. Proprietor to apply for license.

Penalty for failure.

Rooms, halls and tents used for moving-picture or vaudeville shows. In towns less than 2,500.

In towns 2,500 to 5,000. In towns 5,000 to 10,000.

In towns 10,000 to 15,000.

In towns more than 15,000. County, city and town tax.

itants or less, ten dollars per annum; over one thousand to three thousand, fifteen dollars per annum; three thousand to five thousand, fifty dollars per annum; over five thousand to ten thousand, seventy-five dollars per annum; over ten thousand to fifteen thousand, one hundred dollars; over fifteen thousand, one hundred and fifty dollars. The license under this section shall be issued by the sheriff and shall be conspicuously posted in the entrance of the vestibule of the room or hall, and said room or hall shall not be liable for any other license tax by the county, but the said tax shall be divided and one-half paid to the State and one-half to the county. Companies or individuals when performing or exhibiting in rooms or halls licensed under this section shall not be required to pay any other county or State license tax: *Provided*, that no city shall levy a tax greater than the amount levied by the State.

SEC. 28. *Traveling theatrical companies.*

On every traveling theatrical company giving exhibitions or performances in any hall, tent, or other place not licensed as provided in the preceding section, whether on account of municipal ownership or for any other reason, five dollars on each day's or part of a day's exhibitions or performances; that two or more exhibitions at different times on the same day and place shall only be liable for one day's tax, and the owner of the hall, tent, or other place shall be responsible for the tax; but artists exhibiting paintings or statuary, work of their own hands, shall only pay two dollars: *Provided*, all such places of amusement as do not charge more than ten cents admission and shall perform in any given place as much as one week at a time shall only be required to pay aforesaid tax for the week. Counties, cities, or towns shall not collect a greater amount than that of the State tax, and the proprietor of any such show shall apply in advance to the sheriff of any county in which a performance is to be given for a license. Failing to do this, the show shall be subject to the actual expenses incurred by the sheriff or tax collector in enforcing payment of the license levied under this section. On each room, hall or tent used as a moving-picture or vaudeville show, when not licensed under the preceding sections, shall pay a tax as follows: In towns of less than two thousand five hundred inhabitants, ten dollars per annum; less than five thousand inhabitants and more than two thousand five hundred, twenty dollars per annum; less than ten thousand inhabitants and more than five thousand, forty dollars per annum; in towns or cities with more than ten thousand inhabitants and less than fifteen thousand, fifty dollars per annum; more than fifteen thousand inhabitants, one hundred dollars per annum. Counties, cities, or towns shall not levy a greater amount of license tax than that of the State.

Sec. 29. *Circuses, menageries, wild-west, dog and pony shows, etc.*

On every exhibition of a circus, menagerie, wild-west show, dog and pony show, and every other show not licensed in the preceding sections, a tax as follows, for each day or part of a day: Shows requiring transportation of

Circuses, menageries, wild-west, dog and pony shows.

Less than 15 car trains.....	\$ 25	Less than 15 car trains.
15 to 20 car trains.....	50	15 to 20 car trains.
20 to 30 car trains.....	75	20 to 30 car trains.
30 to 40 car trains.....	100	30 to 40 car trains.
40 to 50 car trains.....	150	40 to 50 car trains.
50 to 60 car trains.....	200	50 to 60 car trains.
60 to 75 car trains.....	250	60 to 75 car trains.
Over 75 car trains.....	300	Over 75 car trains.

On each sideshow with shows requiring less than thirty cars for transportation, ten dollars; on all other shows, twenty-five dollars. On every exhibition of a show enumerated in this section that charges more than fifty cents general admission, the tax shall be three hundred dollars. Every county shall have the power to fix the county tax on all shows enumerated in this section at such amount as the county commissioners shall deem proper, not to exceed the amount levied by the State. The person, firm, or corporation by whom any show taxed under this section is owned or controlled shall file with the State Treasurer not less than five days before the same shall enter the State for the purpose of exhibiting therein a statement, duly subscribed, setting out in detail such information as the State Treasurer may deem necessary to cover the places within the State where exhibitions are to be given, the character of the exhibition, etc. Upon receipt of such statement the State Treasurer shall fix and determine the amount of the license tax with which such show is chargeable, and shall indorse his findings upon such report, and transmit a copy thereof to the sheriff or the tax collector of each and every county in which such show is to exhibit, with full and particular instructions as to the license tax to be collected therefrom, which instructions may be modified from time to time when deemed necessary for the purpose of the proper enforcement of this section. It shall be the duty of the sheriff of each and every county in which such circuses or shows are advertised or exhibited to promptly communicate such information to the State Treasurer; and in case the statement respecting any such shows as herein enumerated shall not be filed in time for certified copies thereof, with proper instructions, to be transmitted to the sheriffs of the several counties, it shall be the duty of the State Treasurer to cause his duly authorized representative to attend at one or more points in the State where such circus or show is advertised or expected to exhibit, for the purpose of securing such statement, of fixing and determining the amount of the license tax with which such show

Sideshows less than 30 cars. All other shows. Tax on shows charging more than 50 cents. County tax.

Proprietor to file statement with treasurer.

Treasurer to determine amount of license tax.

Copies to sheriffs and tax collectors.

Sheriff to communicate advertisement and shows to treasurer.

Treasurer to investigate by representative if statement not filed by proprietor.

Penalty for failure to file statement.

Penalty for exhibition taxable at higher rate than authorized.

Sheriff charged with and to collect excess tax.

Proviso: State treasurer may remit excess.
Carnival companies.

Companies of not more than six attractions.

Companies of more than six attractions.

Proviso: city and town tax.

Proviso: companies not embraced.

Proviso: companies not relieved by contribution to religious, charitable or educational cause.

Entertainments solely for religious, charitable or educational objects exempt.
Proviso: operas, star courses or theatrical troupes.

is chargeable, and of giving proper instructions for the collection of such tax. Any circus or show which shall exhibit in the State before said statement shall have been filed, or which shall after the filing of such statement give any exhibition taxable at a higher rate than the exhibition authorized by the State Treasurer upon the basis of the statement filed, shall be chargeable with a license tax of fifty per cent greater than that hereinbefore prescribed, and the sheriff of any county in which such circus or show shall exhibit shall in all cases collect such excess tax and shall be charged with and make settlement therefor as for other taxes: *Provided*, that the State Treasurer in his discretion may remit such excess tax, wholly or in part.

On every carnival company, or combination of traveling circuses and shows of like character, moving-picture and vaudeville shows, museums and menageries, merry-go-rounds and Ferris wheels, and other like amusement enterprises, conducted for profit under the same general management and filling week-stand engagements, or in giving week-stand exhibitions, whether under canvas or not, the following taxes shall be paid, for each week or part of week, to wit: On all such carnival companies and combinations, consisting of not more than six distinct attractions, conducted for profit, fifty dollars for the State and a like amount for the county; and, when consisting of more than six distinct attractions, conducted for profit, seventy-five dollars for the State and a like amount for the county: *Provided*, that the towns and cities of less than ten thousand inhabitants may levy a like tax, in an amount not greater than that levied for both State and county purposes; and cities of more than ten thousand inhabitants may levy a like tax, in an amount not greater than twice that levied for both State and county purposes: *Provided further*, that the provisions of this section shall not apply to such carnival companies, or combinations of shows and other amusement enterprises making a charge of more than twenty-five cents for admission to, or participation in, any one attraction: *Provided further*, that no such carnival company or combination shall be relieved from the payment of the tax hereinbefore provided for, or of any part thereof, whether State, county, or municipal, by reason of the donation or appropriation of the whole or any part of the proceeds arising from the carrying on of the same to any religious, charitable, or educational cause whatsoever.

Sec. 30. *Certain entertainments exempt from license tax.*

All exhibitions or entertainments given for the sole benefit of religious, charitable or educational objects shall be exempt from taxation: *Provided*, that when operas, star courses or theatrical troupes are employed, such as usually appear in licensed halls or theaters, then the tax shall be the same as that imposed on

traveling theatrical companies performing in unlicensed halls: *Provided further*, that no tax shall be charged for any exhibitions or entertainments for the sole benefit of religious, charitable or educational objects and given in halls used exclusively for such objects, nor for exhibitions given at city parks and other resorts, when no charges for admission are made.

Proviso: entertainments in halls used solely for religious, charitable or educational objects. Free exhibitions at city parks and other resorts.

SEC. 31. *Attorneys, physicians, dentists, etc.*

On each and every practicing lawyer, practicing physician, dentist, oculist, photographer, optician, osteopath, architect, optometrist, veterinary surgeon, accountant, fire insurance adjuster, or any person practicing any professed art of healing, for fee or reward, the sum of five dollars: *Provided*, that no city, town or county shall levy an additional license tax under this section. Said license when paid in any county shall be good in every other county in the State.

Lawyers, physicians and other professions.

Proviso: no city, town or county to levy additional tax. Tax paid in any county good in all counties.

SEC. 32. *Real estate and rent-collecting agents.*

Every individual or firm or his or their agents who make a business of collecting rents or in acting as agent in buying and selling real estate of any and every description, for compensation, shall pay an annual license tax of ten dollars.

Real estate and rent-collecting agents.

SEC. 33. *Coal dealers.*

On every individual, firm, or association of persons engaged in and conducting the business of selling coal: at wholesale, an annual license tax of twenty-five dollars; at retail, an annual license tax of ten dollars.

Coal dealers. Wholesale. Retail.

SEC. 34. On every collecting agency collecting accounts, bills, notes, or other money from one person in favor of another, twenty-five dollars; on every dealer in second-hand clothing, twenty-five dollars; on all undertakers and embalmers and retail dealers in coffins in towns and cities of over fifteen thousand inhabitants, an annual license tax of twenty-five dollars, and in towns and cities of more than ten thousand and less than fifteen thousand, fifteen dollars, and in towns and cities of more than five thousand and less than ten thousand, ten dollars, and in cities and towns or villages of less than five thousand inhabitants, five dollars: *Provided*, that this act shall not apply to the cabinetmaker (and who is not an undertaker) who makes coffins to order.

Collecting agencies. Dealers in second-hand clothing. Undertakers, embalmers and retail coffin dealers. In towns of over 15,000. In towns 10,000 to 15,000. In towns 5,000 to 12,000. In towns less than 5,000. Proviso: cabinet-makers.

SEC. 35. On all persons, firms, or corporations who buy and sell horses and mules as a business or for profit, an annual license tax of twenty-five dollars; and all persons, firms, or corporations who purchase and ship horses or mules by the car-load shall be denominated wholesale dealers, and such persons, firms, or corporations shall pay an annual license tax of fifty dollars. The license for conducting the said business in either case shall be issued by the sheriff of any county in which horses and mules are bought or sold, and shall be good in any county in the State for twelve months

Horse and mule dealers. Wholesale horse and mule dealers. License issued by sheriff. License good in any county for twelve months.

Sheriff to furnish lists to treasurer.

Selling or attempting to sell a misdemeanor.

Punishment.

Pretended partnerships a misdemeanor.

Livery-stable men classed as dealers.

Proviso: stock of own raising.
Proviso: payment of tax under this section relieves from tax under section 41.
Proviso: payment of wholesale tax.

from issuance; and the sheriffs shall furnish the Treasurer a complete list of all such persons, firms, or corporations doing business in their county. No county, city, or town shall levy or collect any tax under this section. Any person required to take out license under this section who shall sell or attempt to sell any horses or mules without having obtained such license shall be deemed guilty of a misdemeanor, and upon conviction shall be fined fifty dollars or imprisoned not exceeding thirty days, the fine to be paid into the State Treasury for the general school fund. No persons shall feign or pretend to be partners, when they are in fact not *bona fide* such, in order to evade the tax to which they would otherwise be liable under the provisions of this section, and a violation of this provision shall make the offender guilty of a misdemeanor. All persons, firms, or corporations operating under a livery-stable license who buy horses and mules for sale shall be classed as horse dealers and, in addition to their livery-stable tax, shall be required to pay such tax as he or they shall be liable for under this section: *Provided*, that this section shall not apply to persons dealing solely in horses or mules of their own raising: *Provided*, any person, firm or corporation who pays the tax in this section shall not be liable for the twenty-five dollars license tax mentioned in section 41: *Provided*, that any person, firm or corporation who shall pay the wholesaler's tax shall not be required to pay the retail tax in addition thereto.

SEC. 36. *Peddlers of clocks, stoves and ranges.*

Clock, stove and range peddlers.

On every itinerant person or company peddling clocks, stoves or ranges, fifty dollars per annum for each county in which he or they may peddle the same, the license to be issued by the sheriff of the county, who shall collect said tax and pay the same to the State Treasurer.

SEC. 37. *Bicycle dealers.*

Bicycle dealers.

In towns of 12,000 or over.
In towns of less than 12,000.
Proviso: repairers of bicycles.

Dealers in automobiles or locomobiles.

On every individual or firm or his or their agents engaged in the business of buying and selling bicycles or bicycle and motorcycle supplies and fixtures, unless such business is conducted in connection with some other business paying a license tax, an annual license tax as follows: In cities or towns of twelve thousand inhabitants or over, ten dollars; in cities and towns of less than twelve thousand inhabitants, five dollars: *Provided*, that nothing in this section shall apply to any individual or firm conducting the exclusive business of repairing bicycles. Every individual or firm or his or their agents engaged in the business of buying and selling automobiles or locomobiles shall pay an annual license tax of fifty dollars.

SEC. 38. *Merchandise and mining stock.*

Merchandise and stock brokers.

On every commission merchant, broker, or dealer, buying or selling goods, merchandise, or stock in foreign corporations, on commission, ten dollars per annum.

SEC. 39. *Ship brokers.*

On every person engaged in the business of managing the affairs of ship brokers, occurring between the owners of vessels and the shippers and consignees of the freight which they carry, usually known as "ship brokers," an annual license tax of twenty dollars; on every person owning or operating marine railways with a hauling capacity of less than eighty tons, seven dollars and fifty cents; on every marine railway with a hauling capacity of more than eighty tons and less than one hundred and fifty tons, fifteen dollars; on every marine railway with a hauling capacity of more than one hundred and fifty tons, thirty dollars.

Ship brokers.
Marine railways.
Capacity less than 80 tons.
Capacity 80 to 150 tons.
Capacity more than 150 tons.

SEC. 40. *Pawnbrokers.*

No person shall without a license authorized by law engage in the business of lending money or other things for profit for or on account of specific articles of personal property, other than farm products, deposited with the lender in pledge. Any person who shall in any manner lend or advance money as aforesaid on the pledge and possession of such personal property shall be held to be a pawnbroker. After such person shall have forfeited his right to redeem the property the pawnbroker may cause said property to be sold at public auction. The expenses attending the sale shall be paid out of the proceeds of sale, and if any surplus arise from the sale, after satisfying the money advanced, with the interest and costs which have accrued, such surplus shall be paid over to the person depositing the property as aforesaid. Any person acting as pawnbroker without a license shall pay a fine of not less than fifty nor more than five hundred dollars. A pawnbroker shall pay for the privilege of transacting business an annual license tax of one hundred dollars.

Engaging in business without license forbidden.
Pawnbroker defined.
Sale of unredeemed pledges.
Expense of sale.
Surplus.
Penalty for operating without license.
Pawnbroker's license.

SEC. 41. *Livery stables.*

On every person, firm or corporation who keeps horses or mules to hire or let, with or without vehicle, fifty cents for each six months for every horse or mule kept for that purpose. Such person shall on the first day of January and July of each year furnish to the register of deeds a sworn statement of the number of horses or mules sold or so kept at any time during the preceding six months, the taxes to be collected by the sheriff or tax collector. Every person, firm or corporation operating under a livery-stable license who sells more than five horses or mules within six months shall be classed as a horse dealer and shall pay an additional tax of twenty-five dollars, and shall exhibit license from a sheriff on all occasions whenever required.

Tax on livery stables.
Semiannual statements.
Liverymen classed as horse dealers. License as horse dealer.

SEC. 42. *Sewing machines.*

Every manufacturer of sewing machines, and every person, or persons, or corporations, engaged in the business of selling the

Manufacturers and dealers in sewing machines.

same in this State shall, before selling or offering for sale any such machine, pay to the State Treasurer a tax of two hundred and fifty dollars and obtain a license, which shall operate for one year from the date of issue. Any applicant for a license shall furnish the State Treasurer with the names of every class or style of machine offered for sale, with written application for a license. The State Treasurer shall, upon the written application of any one who has obtained a license as provided in this section, and the payment of a fee of two dollars, issue a certified duplicate copy of said license to any merchant designated by the licensee engaged in the business of selling sewing machines in his store only; and the State Treasurer shall, upon the written application of any one who has obtained a license as provided in this section and the payment of a fee of five dollars in each county in which he does business, issue a certified duplicate copy of said license to any agent designated by the licensee to sell sewing machines from wagons or other vehicles for each county in which such agent selling from wagons or other vehicles operates. Every one to whom license shall be issued as provided in this section shall have power to employ an unlimited number of agents to sell the machines named in his license, upon the payment of the tax aforesaid. The parties obtaining license issued under this section shall not be taxed for license fee by any county, city, or town government. Any person required to take out license under this section who shall sell or attempt to sell any machine without having obtained license shall be deemed guilty of a misdemeanor, and upon conviction shall be fined one hundred dollars or imprisoned not exceeding thirty days, the fine to be paid into the county treasury for the use of the school fund. In addition to the said fine, or imprisonment, any person violating the provisions of this section shall pay a penalty to the officer making the arrest of two hundred dollars, one hundred dollars thereof to be paid into the State Treasury as other taxes, and one hundred dollars to the officer making the arrest. It shall be the duty of all county, town, and township bonded officers to prosecute for penalties under this section. This section shall not apply to merchants who buy and sell sewing machines on which a license tax has been paid, as hereinbefore provided, and who keep the said machines in their general stock of merchandise and sell and deliver them at their place of business: *Provided*, they have a duplicate receipt showing that the taxes have been paid. It shall be the duty of the State Treasurer to have this section printed on the face of each license issued under this act for the information and protection of parties to whom the same may be issued: *Provided*, that any second-hand sewing machine traded for or taken in exchange as part payment for a new sewing machine may be sold free of tax by any party to whom licenses have been issued to sell sewing machines.

Written application for license.

Certified duplicates of license to merchants.

Certified duplicates to itinerant salesmen.

Number of agents unlimited.

Counties, cities nor towns to lay tax.

Selling or attempting to sell without license a misdemeanor.

Punishment.

Penalty to officer making arrest.

Officers to prosecute for penalties. Merchants buying and selling licensed machines.

Proviso: duplicate receipt. Section printed on face of license.

Proviso: machines taken in trade.

SEC. 43. *Feather renovators.*

On every individual or firm or association of persons or his or their agents engaged in the business of renovating feathers, a license tax as follows: Ten dollars for each county in which such business may be solicited or conducted.

SEC. 44. *Peddlers.*

Any person who shall carry from place to place any goods, wares or merchandise and offer to sell or barter the same or actually sells or barter the same shall be deemed to be a peddler and shall pay a license tax as follows: Each peddler on foot, twenty-five dollars for each county; each peddler with horse, or mule, with or without vehicle, or with a vehicle propelled by any other power, fifty dollars for each county; each and every peddler of medicinal and proprietary preparations, flavoring extracts, spices and toilet articles, whether on foot or with horse, mule or ox, with or without vehicle propelled by any other power, but having no free or paid attractions and no attractions upon the streets nor in a tent nor any other place for the purpose of receiving trade, fifty dollars for each county; each and every peddler of medicines or drugs, whether on foot or with horse, mule or ox, with or without a vehicle, or with a vehicle propelled by any other power, and having any free or paid attractions or attractions upon the street or in a tent or in any other place for the purpose of receiving trade, one hundred dollars for each county. Every itinerant salesman who shall expose for sale, either on the street or in a house rented temporarily for that purpose, goods, wares or merchandise, shall pay a tax of one hundred dollars in each county in which he shall carry on such business, whether as principal or as agent for any other person. Every person mentioned in this section shall apply in advance for a license to the board of county commissioners of the county in which he proposes to peddle or sell, and the board of county commissioners may in their discretion issue the license upon the payment of the tax to the sheriff, which shall expire at the end of twelve months from its date. This section shall not apply to those who sell or offer for sale books, periodicals, printed music, ice, fuel, fish, vegetables, fruits or any articles of the farm or dairy or articles of their own individual manufacture, except medicines or drugs. The board of county commissioners shall have power at their discretion to exempt from tax under this section any poor and infirm person, and shall exempt Confederate soldiers, where the tax does not exceed fifty dollars for each county, and such license shall be good in any county in the State. Any person carrying a wagon, cart or buggy, or traveling on foot for the purpose of exhibiting or delivering any wares or merchandise, shall be considered a peddler: *Provided*, that this section shall not apply to per-

Feather renovators.

Peddlers on foot.

Other peddlers.

Peddlers of specifics without advertising attractions.

Peddlers of specifics with advertising attractions.

Itinerant salesmen.

Peddlers to apply for license.

License in discretion of commissioners.

Term of license.

Peddlers not subject to tax.

Power of county commissioners to exempt.

Exemption to Confederate soldiers.

Persons exhibiting or delivering goods classed as peddlers.

Proviso: exchange of woolen goods for wool.

sons or their agents engaged in exchanging woolen goods for wool: *Provided further*, that this section shall not apply to drummers selling by wholesale and *bona fide* residents who are blind: *Provided further*, that each person other than a *bona fide* citizen of the county in which he shall undertake to do business, who shall expose for sale goods, wares or merchandise in any building rented for such purpose for a period of less than one year shall be liable to the tax herein imposed upon itinerant dealers: *Provided further*, that such tax shall be refunded to any such dealer who shall continue to do business in such county for a period of one year: *Provided further*, that nothing in this section shall prevent counties having special acts applying thereto from collecting a higher tax in accordance with the provisions of said special act.

Proviso: whole-sale drummers and blind persons.

Proviso: person exposing merchandise for sale in house rented for less than one year liable.

Proviso: tax refunded if business continued.

Proviso: tax under special acts.

SEC. 45. *Mercantile agencies.*

Mercantile agencies.

On every mercantile agency or association having an office in this State which has for its object the rating of the commercial status of persons, firms or corporations, the sum of two hundred and fifty dollars, to be paid by the principal office in the State to the State Treasurer; and no city, town or county shall levy any additional license tax. Any person representing any mercantile agency which has failed to pay a license tax as above provided shall be guilty of a misdemeanor.

No city, town or county to levy additional tax. Representing unlicensed agency a misdemeanor.

SEC. 46. *Gypsies or fortune-tellers.*

Gypsies and fortune-tellers.

Every company of gypsies or strolling bands of persons living in wagons or tents or otherwise who trade horses or mules, or receive reward for pretending to tell fortunes, two hundred dollars in each county in which they offer to trade horses or mules or practice any of their crafts, recoverable out of any property belonging to any of the company; but nothing herein contained shall be so construed as to exempt them from indictment or penalties imposed by law.

Act not construed as exemption from indictment.

SEC. 47. *Lightning-rod agents.*

Lightning-rod dealers.

On every person or company who puts up lightning rods, twenty-five dollars annually for each county in which he carries on business or sells lightning rods.

SEC. 48. *Hotels.*

Hotel tax on rooms. Charging more than \$1 and less than \$2. Charging not less than \$2 nor more than \$3. Charging in excess of \$3. Rooms not counted.

On each hotel charging for transit custom more than one dollar and less than two dollars per day, an annual tax of twenty-five cents for each and every room; hotels charging not less than two dollars nor more than three dollars per day, fifty cents per room; hotels charging in excess of three dollars per day, seventy-five cents per room. The office, dining-room, one parlor, the kitchen, and two other rooms shall not be counted when calculating the number of rooms in the hotel.

SEC. 49. *Cotton compresses.*

Every individual, firm, corporation or association of persons engaged in the business of compressing cotton shall pay an annual license tax of one hundred dollars on each and every compress.

Cotton compresses.

SEC. 50. *Billiard and pool tables and bowling alleys.*

On each billiard or pool table, bowling alley or alley of like kind kept for public use, if in connection with any place where drinks of any kind are sold or allowed to be drunk, an annual license tax of fifty dollars, whether kept under the same roof or otherwise; and on all other billiard or pool tables, bowling alleys or alleys of like kind kept for public use, an annual license tax of twenty-five dollars.

Billiard and pool tables and bowling alleys.

SEC. 51. *Gift enterprises; prize photographs.*

On any gift enterprise or any person or establishment offering any article for sale and proposing to present purchasers with any gift or prize as an inducement to purchase, twenty dollars; on every itinerant dealer in prize photographs or prizes of any kind, one hundred dollars in each county in which the business is conducted. The taxes in this section shall be paid to the sheriff or tax collector of the county, but shall not be construed as giving license or relieving such person or establishment from any penalties incurred by violation of the law.

Gift enterprises.

Itinerant dealers in prize photographs or prizes of any kind.

Payment of tax.

Penalties for violation of law, not relieved from.

SEC. 52. *Slot machines.*

Upon every slot machine operated in this State wherein is kept any article to be purchased by depositing therein any coin or thing of value, and for which may be had any article of merchandise whatsoever, the sum of one dollar and fifty cents for every machine for each county where set up or operated. Upon every such machine wherein may be seen any picture or any music may be heard by depositing in the machine any coin or thing of value, and each weighing machine and every machine for making stencils by the use of contrivances operated by slot, wherein money or other thing of value is to be deposited, the sum of one dollar and fifty cents for each machine in each county where set up or operated: *Provided*, that this section shall apply only to such slot machines where the return is in all cases fixed or certain: *Provided further*, that no specific license tax shall be levied or collected on merchandise machines delivering merchandise of the market value of the coin deposited and used as an automatic clerk and kept by dealers in their storehouses and paying taxes as a merchant, or slot machines where drinking-water is delivered at one cent a glass: *Provided further*, that any person using, running or operating a slot machine of any description for other purposes than above set forth, or machines exhibiting nude or obscene pictures, shall be guilty of a misdemeanor, and upon con-

Slot merchandise machines.

Slot picture and music machines.

Slot stencil machines.

Proviso: return fixed and certain.

Proviso: automatic clerks.

Machines for sale of drinking-water. Proviso: operation of other machines a misdemeanor.

Punishment.

viction shall be fined not less than two hundred nor more than five hundred dollars or imprisoned not less than three months nor more than one year, or both, at the discretion of the court.

SEC. 53. *Bagatelle tables, etc.*

Bagatelle tables, merry-go-rounds, hobbyhorses, switchback railways, shooting galleries, etc.

In cities less than 5,000.
In cities from 5,000 to 10,000.
In cities more than 10,000.
In places where drinks are sold.
Skating rinks.

In cities less than 5,000.
In cities from 5,000 to 10,000.
In cities more than 10,000.
Provido: outside city or town.

On each bagatelle table, merry-go-round, hobbyhorse, switchback railway, shooting gallery or place for any other game or play, with or without a name (unless used for private amusement or exercise alone), the following graduated tax shall be paid, to wit: In cities or towns of less than five thousand inhabitants, five dollars; from five thousand to ten thousand inhabitants, ten dollars; and all cities or towns of more than ten thousand inhabitants, twenty dollars. If kept in connection with any place where drinks of any kind are sold, fifty dollars. On skating rinks (unless used for private amusement or exercise alone) the following graduated tax, to wit: In cities or towns of less than five thousand inhabitants, five dollars; from five thousand to ten thousand inhabitants, ten dollars; and all cities or towns of more than ten thousand inhabitants, twenty dollars: *Provided*, that on each bagatelle table, merry-go-round, hobbyhorse, switchback railway or shooting gallery carried on outside of any incorporated city or town, the sum of five dollars.

SEC. 54. *Stockbrokers.*

Stockbrokers.

County and municipal tax.

Every dealer in stocks, bonds or other securities shall pay for the privilege of transacting business an annual license tax of fifty dollars. No county, city or town shall levy or collect any tax under this section exceeding twenty-five dollars for the county and ten dollars for the city or town.

SEC. 55. *Bottling works.*

Bottling works.

In towns of 2,500 or less.
In towns from 2,500 to 5,000.
In towns from 5,000 to 10,000.
In towns 10,000 to 20,000.
In towns of over 20,000.

Each person, firm or corporation manufacturing or bottling soda water, Coca-Cola, Pepsi-Cola, Cel-i-ko, ginger ale and like preparations shall pay an annual tax, in towns of two thousand five hundred inhabitants or less, ten dollars; in towns of over two thousand five hundred and not exceeding five thousand inhabitants, twenty dollars; in towns of over five thousand inhabitants and not exceeding ten thousand inhabitants, thirty dollars; in towns and cities of over ten thousand and not exceeding twenty thousand inhabitants, forty dollars; in towns and cities of over twenty thousand inhabitants, fifty dollars.

SEC. 56. *Packing houses.*

Packing houses and cold-storage plants.

Provido: packers of less than 25,000 pounds.

Upon every meat-packing house doing business in this State and upon every wholesale dealer in meat-packing-house products who owns and operates in this State a cold-storage plant or cold-storage warehouse in connection with said wholesale business, one hundred dollars for each county in which said business is carried on: *Provided*, that nothing in this act shall apply to packers packing less than twenty-five thousand pounds of meat in any one year.

SEC. 57. *Obsolete.*SEC. 58. *Persons, firms or corporations selling certain oils.*

Each person, firm or corporation selling illuminating oil, lubricating oil, benzine, naphtha or gasoline in this State shall pay an annual license tax to the State Treasurer, on or before the first day of July in each year, for the twelve months preceding the first day of June, where the gross sales exceed twenty-five thousand dollars, one per centum upon such gross sales. The said amount of sales shall be returned to the State Treasurer by the general manager of said oil company, if a corporation, and if a natural person, by him, and duly sworn, upon forms to be prepared by the State Treasurer for that purpose. Any person, firm or corporation subject to this license tax and doing business in this State without having paid such license tax shall be liable to a penalty of one thousand dollars and in addition thereto to double the tax imposed by this section; and the State Treasurer is authorized to bring any suit for the collection of the same in the Superior Court of Wake County. No county shall impose any tax under this section upon the business of oil dealers. No city or town shall levy a license or privilege tax exceeding ten dollars, and only when there is located in such city or town an agency, station or warehouse for the distribution and sale of such oils; and the person, firm or corporation paying the tax upon the gross sales as aforesaid shall not be liable for any other tax except the *ad valorem* tax upon the property situate and being in this State: *Provided*, that no tax shall be collected under the provisions of this section while the inspection fees or charges are collected under and by virtue of chapter five hundred and fifty-four of the Public Laws of one thousand nine hundred and nine, entitled "An act to provide for the inspection of illuminating oils and fluids."

Dealers in oils, benzine, naphtha and gasoline.

Tax on receipts. Returns of sales.

Penalty for doing business without license.

Suit for collection.

Counties not to impose tax. City and town tax.

Proviso: no tax to be collected while inspection fees are.

SEC. 59. *Obsolete.*

SEC. 60. On every itinerant person peddling agricultural and mechanical instruments or devices, fertilizer distributors, washing machines, churns, two-horse cultivators or harrows, a license tax of twenty-five dollars, to be collected by the sheriff of each and every county in which he may peddle the same, said tax to be paid to the State Treasurer.

Peddlers of implements and machines.

SEC. 61. *Malt dealers.*

Every person, firm, or corporation engaged in or conducting the business of manufacturing, buying, or selling malt shall pay an annual tax of ten dollars.

Manufacturers of and dealers in malt.

SEC. 62. *Druggists selling liquors.*

Each medical depository and each licensed and registered pharmacist and druggist who sells spirituous, vinous, or malt liquor as now allowed by law, upon the written prescription of a regu-

Medical depositories and druggists selling liquors.

Section not to modify or repeal prohibition law.

larly licensed and practicing physician or surgeon, an annual tax of twenty-five dollars to the sheriff or tax collector. Nothing in this section shall have the effect of modifying or repealing chapter seventy-one, Public Laws of Special Session one thousand nine hundred and eight, or other laws forbidding the sale of spirituous, vinous, or malt liquors.

SEC. 63. *Obsolete.*

SEC. 64. *Obsolete.*

SEC. 65. *Obsolete.*

SEC. 66. *Obsolete.*

SEC. 67. *Insurance companies.*

Insurance companies.

License for life companies.

License for fire companies.

License for accident companies.
License to marine companies.

License to surety companies.

License to plate-glass insurance companies.

License to boiler insurance companies.

License to domestic mutual insurance companies.

License to domestic mutual companies, not more than two counties.

License to fraternal orders.

License to bond, investment, guaranty and like companies.

License to other insurance companies.

Tax on receipts.
Provide: investments reducing taxes and license fees.

The officer authorized to collect the tax on insurance, bond and investment companies, associations or orders shall collect and pay into the State Treasury charges, fees and taxes as follows: For each license issued to a life insurance company or association, two hundred and fifty dollars; for each license issued to a fire insurance company or association or to any company or association of companies operating a separate or distinct plant or agencies, two hundred dollars; for each license issued to an accident insurance company or association, two hundred dollars; for each license issued to a marine insurance company or association, two hundred dollars; for each license issued to a surety insurance company or association, one hundred dollars; for each license issued to a plate-glass insurance company or association, one hundred dollars; for each license issued to a boiler insurance company or association, one hundred dollars; for each license issued to a domestic mutual insurance company, fifty dollars; for each license issued to a domestic mutual insurance company operating in not more than two counties, ten dollars; for each license issued to a fraternal order, twenty-five dollars; for each license issued to a bond, investment, dividend, guaranty, registry, title guaranty or debenture company, one hundred dollars; for each license issued to all other insurance companies or associations, one hundred dollars. All of said companies shall pay a tax of two and one-half per centum upon the amount of their gross receipts in this State: *Provided*, that if any general agent shall file with the Insurance Commissioner a sworn statement showing that at least one-fourth of the entire assets of his company, when his company has assets, are invested in and are maintained in any or all of the following securities or property, viz., bonds of this State or of any county, city or town of this State, or any property situate in this State and taxable therein, then the tax shall be one per centum upon the gross receipts aforesaid and the license fee shall be one-half that named above; and if the amount so invested shall be three-fourths of the total assets the tax shall be one-fourth of one per centum and the

license fee one-fourth of that named above. Companies paying the tax levied in this section shall not be liable for tax on their capital stock, and no county, city or town shall be allowed to impose any additional tax, license or fee. The license fees and taxes imposed in this section shall be paid to the Insurance Commissioner and by him paid into the State Treasury as provided by law.

Companies paying tax not liable for further tax.

Fees and taxes paid to insurance commissioner.

SEC. 68. *Dealers in pistols, etc.*

Every merchant, storekeeper or dealer who shall keep in stock, sell or offer for sale any pistol or metallic pistol cartridges or cartridges used in pistols shall pay an annual tax of twenty-five dollars; and every such dealer who shall keep in stock any Bowie knife, dirk, dagger, slung-shot, loaded cane, or brass, iron or metallic knuckles shall pay an annual license tax of one hundred dollars; and every merchant, storekeeper or dealer selling or offering for sale firecrackers or other fireworks shall pay an annual license tax of ten dollars. A separate license shall be secured for each place where sales are made.

Dealers in pistols and cartridges.

Dealers in other weapons.

Dealers in fireworks.

SEC. 69. *Pianos and organs.*

Every person, firm or corporation selling pianos or organs in this State shall pay an annual license tax to the Treasurer of fifty dollars, and the Treasurer shall issue a license to said person, firm or corporation to sell pianos or organs, or both, until July first next thereafter. In addition to the license tax above required, every person, firm or corporation selling pianos or organs, or both, shall pay a tax of forty cents on every hundred dollars received from the sale of pianos or organs, which tax shall be paid to the Treasurer before securing an annual license on July first in each year. Any person, firm or corporation selling pianos or organs without having paid the license tax required by this section shall pay a penalty of two hundred dollars, to be recovered by the Treasurer in a civil action in the Superior Court of Wake County, and shall also pay double the license and sales taxes required by this section for the year then current. When a person, firm or corporation makes application for the license required by this section the Treasurer shall require a sworn statement showing the amount of sales of pianos and organs made by the applicant in this State for the year preceding the first day of July then last past. The Treasurer may require an itemized statement and may require the production of books and papers and may make such investigation as he may deem proper; and after making said investigation the Treasurer shall find what the amount was received from said sales for said year, and shall collect tax upon said amount at the rate aforesaid. If the applicant be a natural person he shall sign the application and statement of sales and swear to the correctness of the latter. If the application be made by a

Dealers in pianos and organs.

Tax on receipts.

Penalty for selling without license.

Sworn statements on application for license.

Treasurer may investigate statement.

Verification of statement.

False statement a misdemeanor.	firm, one of the partners shall verify the application. If it be made by a corporation the verification of the statement shall be made by one of the managing officers. Any person, firm or corporation making a false statement for the purpose of defrauding the State out of taxes due under this section shall be guilty of a misdemeanor and shall be liable to a penalty of one thousand dollars, to be recovered by the Treasurer in a civil action to be instituted in the Superior Court of Wake County.
Penalty.	Any person, firm or corporation taking out license under this section may employ an unlimited number of agents and secure a duplicate copy of said license for each agent by paying a fee of one dollar to the Treasurer, and the county in which the applicant does business may charge a tax of five dollars. An agent holding such duplicate copy of license is licensed thereby to sell only the instruments sold by the holder of the original license. No person, firm or corporation licensed under this section shall be required to pay any other license or privilege tax; and no county shall have the right to impose any license or privilege tax. No city or town shall levy a license or privilege tax exceeding twenty dollars on any dealer having an office or selling from any receiving point. No person, firm or corporation paying a tax upon gross sales under this section shall be required to pay a tax on the said sales under or by virtue of any other section of this act.
Number of agents unlimited.	
County tax.	
No other license or privilege tax.	
Limit of municipal tax.	
No other tax on sales.	

SEC. 70. *Cigarette dealers and manufacturers of cigarettes.*

Cigarette manufacturers. Graduated tax.	On every manufacturer of cigarettes the following tax: Where the annual output of cigarettes by such manufacturer is less than two hundred and fifty million, two hundred and fifty dollars; where such annual output exceeds two hundred and fifty million, but does not exceed five hundred million, five hundred dollars; where such annual output exceeds five hundred million, two thousand dollars: <i>Provided</i> , that no county, city, town or township shall levy or collect any tax, assessment, license or fee from or on such manufacturer except the <i>ad valorem</i> tax. And every person retailing cigarettes shall pay a license tax of five dollars per annum. No county shall levy any tax under this section. No city or town shall levy a license or privilege tax exceeding ten dollars.
Proviso: no county or municipal tax except <i>ad valorem</i> . Retail dealers.	
No county to levy tax. Limit of municipal tax.	

SEC. 71. *Public ferries, bridges, etc.*

Ferries and bridges, tax on receipts. Sworn returns.	On every ferry or bridge, one per centum of gross receipts; and any person or company operating any such ferry or bridge shall make returns, on oath, of such receipts to the register of deeds of the county in which such public ferry or bridge is located, within ten days after the first days of January and July of each year, and at the same time pay to the sheriff the tax herein imposed.
Payment of tax.	

SEC. 72. *Obsolete.*

SEC. 73. *Emigrant agents.*

On every emigrant agent or person engaged in procuring laborers for employment out of this State, an annual license tax of one hundred dollars for the State and one hundred dollars for the county, for each county in which such agent or person does business, the same to be collected by the sheriff. Any one engaging in this business without first paying said tax shall be guilty of a misdemeanor and fined not less than two hundred dollars or imprisoned in the discretion of the court.

Emigrant agents.

Engaging in business without payment of tax a misdemeanor. Punishment.

SEC. 74. *Itinerant oculists.*

Upon every itinerant oculist, an annual license tax of five dollars for each county in which he may practice and five dollars additional for each county in which he may sell or offer to sell spectacles or eyeglasses; and upon every itinerant optician or dealer in spectacles or eyeglasses, an annual license tax of ten dollars for each county in which he may offer to do business: *Provided*, that ex-Confederate soldiers now authorized by law to peddle in eyeglasses be not required to pay the said license tax.

Itinerant oculists.

Itinerant opticians and dealers in spectacles.

Proviso: ex-Confederate soldiers exempt.

SEC. 75. *Trading stamps.*

An annual license tax for the State upon the business of issuing, selling or delivering trading stamps or checks, receipts, certificates, tokens or other similar devices to persons engaged in trade or business, with the understanding or agreement, expressed or implied, that the same shall be presented or given by the latter to their patrons as a discount, bonus or premium or as an inducement to secure trade or patronage, and that the corporation, firm or association or person selling or delivering the same will give to the person presenting or possessing the same money or other thing of value, or any concession or preference in any way on account of the possession or presentation thereof, is hereby assessed against and imposed upon each corporation, firm, association or person engaged in such business of two hundred dollars; that nothing in this act shall be construed to apply to a manufacturer or to a merchant who sells the goods of such manufacturer from offering to present to the purchaser or customer a gift of certain value as an inducement to purchase such goods: *Provided*, that no county, city or town shall charge more than one hundred dollars.

Trading stamps and like devices.

Manufacturers or merchants offering definite inducements.

Proviso: county and municipal tax.

SCHEDULE C.

SEC. 76. *Defining taxes embraced in this schedule.*

The taxes embraced in this schedule shall be listed and paid as specially herein provided, and shall be for the privilege of carrying on the business or doing the act named, and shall be subject to other regulations mentioned in section twenty-six under Schedule B.

Privilege tax.

Regulations under schedule B.

SEC. 77. *Privilege tax on railroads.*

Returns of railroads to auditor.

Every steam railroad company and every person operating a steam railroad in this State shall, on or before the thirtieth day of July in each year, make and return to the State Auditor, in such form and upon such blanks as shall be furnished by him, a true statement of the gross earnings of their respective roads for the preceding year ending the thirtieth day of June; of the number of miles of road operated by each such company or person, and the number of miles in the State, and the gross earnings per mile per annum during such year; which statement shall be verified by the oath of the Secretary and Treasurer of such companies, or of the person so operating such railroad, and the State Auditor shall certify said amount to the State Treasurer.

Returns to be verified.

Auditor to certify to treasurer.

SEC. 78. *Rate of taxation.*

Graduated tax on gross earnings.

The annual license tax for operating such railroads within the State shall be as follows: When gross earnings per mile are one thousand dollars or less per year, a tax of two dollars per mile; when gross earnings per mile exceed one thousand dollars per year, but do not exceed two thousand dollars, a tax of three dollars per mile; when gross earnings per mile exceed two thousand dollars per year, but do not exceed three thousand, a tax of four dollars per mile; when gross earnings per mile are in excess of three thousand dollars per year, a tax of five dollars per mile.

Tax to be paid to treasurer.

The tax imposed by this section shall be paid to the State Treasurer at the time of making the report provided in section seventy-seven. No county, city or town shall be allowed to collect any tax under this section.

No county or municipal tax.

SEC. 79. *Express companies.*

Tax on revenues.

That each express company doing business in this State shall pay to said State an annual tax of three per cent upon its gross revenues derived from business done wholly within this State—that is to say, upon business originating and terminating in said State; and that each express company shall make to the Treasurer of said State a quarterly report under oath, showing the amount of said business done by the said express company in this State for the quarter next preceding such report: *Provided*, no county shall levy any tax under this section. In addition to said amount to be paid to the State as aforesaid, there may be levied and collected by the several incorporated municipalities of the State of North Carolina from each express company for the privilege of doing business within the municipal limits of said incorporated municipalities a privilege or license tax to be computed and based on the population of said municipalities, as follows, to wit:

Quarterly reports under oath.

Proviso: no county tax. License tax for municipalities.

Graduation of tax.

Incorporated municipalities having a population of five hundred people or less, five dollars per annum; municipalities having a population of over five hundred and not exceeding one thousand,

ten dollars per annum; municipalities having a population of one thousand and not exceeding five thousand, twenty dollars per annum; municipalities having a population of five thousand and not exceeding ten thousand, thirty dollars per annum; municipalities having a population of ten thousand and not exceeding twenty thousand, fifty dollars per annum; municipalities having a population exceeding twenty thousand, seventy-five dollars per annum.

SEC. 80. *Telegraph companies.*

Every company, firm or person operating within this State the apparatus necessary to communication by telegraph shall pay for the privilege of engaging in the business of transmitting telegraphic messages or communication between points, both of which are within this State, two and one-half per centum of the gross earnings of the said company, firm or person, received, or due though not received, from business done entirely between points within this State. The tax herein imposed shall be an annual tax, payable in quarterly installments, as hereinafter provided. Every such company, firm or person shall return, under oath, to the Treasurer of the State, within forty days after the first day of January, April, July and October of each year, the amount of the gross receipts of the company derived from business done between points within this State, and pay to the Treasurer the tax herein imposed at the time of making such return. In the case of default of such return the said company, firm or person shall pay a penalty of one thousand dollars. The tax herein imposed shall be paid directly to the Treasurer within forty days after the first day of January, April, July and October of each year, and upon failure to pay the amount thus due, or to pay any penalty incurred for failure to make the return herein provided for, the Treasurer shall institute an action to enforce the collection of the same in the county of Wake or in any other county in which such telegraph company does business, adding thereto twenty-five per centum of the tax or of the penalty due: *Provided*, that no county shall levy any additional tax under this section, but towns may levy the following taxes: Those having a population of one thousand and not exceeding five thousand, ten dollars; from five thousand to ten thousand, fifteen dollars; from ten thousand to twenty thousand, twenty dollars; over twenty thousand, fifty dollars.

SEC. 81. *Telephone companies.*

On every telephone company doing business in this State, an annual tax of two and one-half per cent on the gross receipts of such telephone company within the State, reckoning for the purpose of ascertaining the amount of such gross receipts the proportion of the interstate business done within the State which is properly credited to North Carolina: *Provided*, that if any such company shall file with the Board of State Tax Commissioners a

Telegraph companies.

Tax on gross earnings.

Quarterly installments.
Returns under oath to treasurer.

Tax to be paid to treasurer.
Penalty for default in making returns.
Tax to be paid within forty days.

Treasurer to institute action.

Further penalty.

Proviso: no county to levy additional tax.
Municipal tax.

Telephone companies.
Tax on gross receipts.

Proviso: sworn statements of investments to reduce rate.

statement, signed and sworn to by its principal officer in this State, showing that at least one-quarter of the entire assets of his company, when his company has assets, are invested in and are maintained in any or all of the following securities or property, viz., bonds of this State or of any county, city or town of this State, or any property situate in this State and taxable therein, then the tax shall be one and one-half per cent; and if the amount so invested shall be one-half of its total assets the tax shall be one per cent; and if the amount so invested shall be three-fourths of its total assets the tax shall be one-half of one per cent. The superintendent, general manager or other chief officer of every such company shall make return, under oath, to the Treasurer of the State, within ten days after the first day of January, April, July and October of each year, of the amount of the gross receipts of the company for the quarter ending on the first day of the month immediately preceding, and pay to the Treasurer the tax herein imposed at the time of making such return. It shall be the duty of each sheriff to report to the Treasurer any such company doing business in his county. In case of default of such return and payment of tax, the company shall pay a penalty of one thousand dollars, to be collected by such sheriff as the Treasurer of the State shall designate, by distress or otherwise: *Provided further*, no county, city or town shall be allowed to impose an additional tax, license or fee provided in this section, except the *ad valorem* tax.

SEC. 82. *Tax on corporations.*

On each and every corporation organized under the laws of this State or doing business in this State, an annual franchise tax in proportion to the amount of its capital stock, according to the following graduated scale, to wit: On corporations having a capital stock, paid in or subscribed, of twenty-five thousand dollars or less, five dollars; over twenty-five thousand dollars and not exceeding fifty thousand dollars, ten dollars; over fifty thousand dollars and not exceeding one hundred thousand dollars, twenty-five dollars; over one hundred thousand dollars and not exceeding two hundred and fifty thousand dollars, fifty dollars; over two hundred and fifty thousand dollars and not exceeding five hundred thousand dollars, one hundred dollars; over five hundred thousand dollars and not exceeding one million dollars, two hundred dollars; over one million dollars, five hundred dollars. No county, city or town shall have the power to levy any franchise tax under this section: *Provided*, that the payment of the tax imposed by this section shall not exempt any corporation from the payment of the license taxes levied under Schedule B of this act: *Provided further*, that the tax provided for under this section shall be payable to the State Treasurer: *Provided further*, that this section shall not apply to railroads, banks, building and loan associations,

Returns under oath to State treasurer.

Tax to be paid to treasurer. Sheriffs to report to treasurer.

Penalty for default.

Proviso: no county or municipal tax except *ad valorem*.

Franchise tax on corporations.

Graduated scale.

No county or municipal franchise tax.

Proviso: payment of franchise tax not to exempt from license tax. Proviso: tax payable to treasurer.

Proviso: corporations excepted.

insurance companies, telegraph companies, express companies and telephone companies: *Provided further*, that foreign corporations maintaining an office or offices in the State for office work only, and not for selling their goods or wares, shall pay an annual tax of one hundred dollars.

Proviso: foreign corporations.

SEC. 83. *On each marriage license, one dollar.*

The tax on marriage license shall be one dollar, and shall be paid to the register of deeds. It shall be the duty of the register of deeds to render annually to the sheriff, on the first Monday in December, sworn statements in detail of taxes received by him under this section, and at the same time pay him the money thus received, and thereupon the sheriff shall file the statements of the register of deeds with the clerk of the Superior Court. The said marriage-license tax shall be paid to the State Treasurer by the sheriff of the county in which the same is collected when he settles for the other State taxes. The counties may levy the same tax upon marriage licenses as is levied by the State.

Tax on marriage licenses.
Sworn returns from register of deeds.

Payment of taxes to sheriff.
Returns filed.
Payment by sheriffs to State treasurer.

County tax.

SEC. 84. *Tax on seal affixed by officers.*

Whenever the Seal of State, of the Treasury Department or other public officer required by law to keep a seal (not including clerks of the courts, other county officers and notaries public) shall be affixed to any paper the tax shall be as follows, to be paid by the party applying for the same: For the Great Seal of the State on any commission, one dollar, except magistrates' commissions, which shall be without fee; on warrants of extradition for fugitives from justice from other States, a reciprocal seal tax and fee shall be charged: *i. e.*, the same fee and seal tax must be collected from the State making requisition which is charged this State for like service. All fees and seal taxes of whatever kind collected by the private secretary of the Governor shall be paid into the treasury quarterly; for the seal of the State Department, fifty cents, to be collected by the Secretary of State and paid by him into the treasury; for the seal of the State Treasurer, to be collected by him and accounted for as other public money, fifty cents. Said officers shall keep an account of the number of times their seals may be used, and shall deliver to the proper officer a sworn statement thereof. Whenever a scroll is used in the absence of a seal by any of the said officers the said tax shall be on the scroll. Seals affixed for the use of any county or the State or used on the commissions of officers of the militia, justices of the peace or any other public officer not having a salary, or under the pension law, or under any process of court, shall be exempt from taxation. The officers collecting the said taxes and fees may retain as compensation five per centum only, as provided in the Revisal of one thousand nine hundred and five, except in case of sheriffs, whose compensation shall be allowed by the Auditor. Any person receive-

Seal taxes.

Great seal of State.

Reciprocal tax.

Seal of State department.

Seal of State treasurer.
Sworn statements.

Scroll seals.

Seals exempted.

Commissions to officers.

Neglect or refusal by officer a misdemeanor.

Punishment. ing taxes under this section and willfully refusing or neglecting to pay the same, as required, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than five hundred dollars or imprisoned at the discretion of the court.

SEC. 85. *Licenses to be countersigned and recorded by the register of deeds.*

Licenses to be countersigned.

Permanent record of licenses.
Fee of register of deeds.

All licenses issued in accordance with this act, except those issued by the State Treasurer, shall not be valid until they shall be exhibited to and countersigned by the register of deeds, by whom a permanent record of all such licenses shall be kept. The register of deeds shall be entitled to a fee of fifteen cents for each license recorded by him, to be paid by the person applying for the license.

SEC. 86. *Fines for the benefit of school fund.*

Officers to pay over fines and penalties.

To use of school fund.

Fines and penalties to be docketed.

If remitted, reasons to be stated.

Whenever any officer, including justices of the peace, receives or collects a fine, penalty or forfeiture in behalf of the State, he shall within thirty days after such reception or collection pay over and account for the same to the treasurer of the county board of education for the benefit of the fund for establishing and maintaining the free public schools in such county. Whenever any fine or penalty is imposed by any officer the said fine or penalty shall be at once docketed, and shall not be remitted except for good and sufficient reasons, which shall be stated on the docket.

SEC. 87. *Misappropriation of taxes deemed embezzlement.*

Officer appropriating taxes to his own use guilty of embezzlement.

Punishment.

Any officer, including justices of the peace, violating the preceding section or appropriating to his own use any State, county, school, city or town taxes shall be guilty of embezzlement, and upon conviction shall be punished by imprisonment in the State's Prison for not less than six months nor more than five years, at the discretion of the court.

SEC. 88. *Duty of sheriff in case of violations of the provisions of this act.*

Sheriff to make diligent inquiry.

Notification to treasurer.

Failure or refusal to pay license tax a misdemeanor.

Punishment.

Sheriff to swear out warrant.

That it shall be and is hereby made the duty of the sheriff of each county in the State to make diligent inquiry as to whether or not all license taxes provided for under Schedules B and C of this act shall have been paid, and ascertain whether it is his duty to collect the tax or whether such license should be issued by the State Treasurer, and if it is found that the State Treasurer should issue such license the State Treasurer must at once be notified by the sheriff or tax collector; and any person, firm or corporation liable for such license tax who fails or refuses to pay such tax when demanded by the sheriff shall be guilty of a misdemeanor and punished by fine or imprisonment, at the discretion of the court; and it shall be the duty of the sheriff, upon the failure of any such person, firm or corporation to pay such

license tax on demand, to swear out a warrant before some justice of the peace in said county, and if on the hearing of said matter the justice shall find that there is probable cause for believing that such person, persons, or corporation is guilty of a violation of this act he shall cause such person, persons or corporation to enter into bond for appearance at the next term of the Superior Court of said county to answer the charge: *Provided, however,* that if said person, persons or corporation shall pay to the sheriff the full amount of such license tax and all costs and expenses due said sheriff and the justice of the peace before the cause is heard before said justice, then said justice may dismiss the action; and upon failure of any person, persons or corporation to pay any of the license taxes imposed by this act, when due, the sheriff shall have power to levy upon any personal or real estate owned by such person, persons or corporation, as provided in other cases where taxes are collected by distraint: *Provided further,* that the sheriff shall not be liable for false arrest or wrongfully levying upon any property under this section unless it shall appear that the sheriff did so maliciously. It shall be the duty of the sheriff to furnish to the judge of the Superior Court at each term of court the names of all persons in his county doing business enumerated in these schedules, specifying those who have paid the tax and those who have failed to pay, and the judge shall thereupon deliver the same to the grand jury and charge them as to their duty thereupon.

Persons bound over.

Proviso: action dismissed on payment of tax and costs.

Collection by distress.

Proviso: sheriff not liable unless malice shown.

Lists to be furnished judge.

Judge to deliver lists to grand jury.

SEC. 89. *Unless prohibited, county may levy same license tax as State.*

In cases where a specific license tax is levied for the privilege of carrying on any business, trade or profession the county may levy the same tax and no more: *Provided,* no provision to the contrary is made in the section levying the specific license tax.

County license tax.

Proviso: unless specifically forbidden.

SEC. 90. *Appropriation for Auditor and Treasurer.*

A sum not to exceed two thousand five hundred dollars is hereby appropriated, out of any moneys not otherwise appropriated, to be expended by the Treasurer of the State as he may deem best and necessary to secure the prompt and proper collection of taxes and the protection of the treasury; and a like amount of two thousand five hundred dollars or so much thereof as may be necessary is hereby appropriated to be used by the Auditor of the State for the proper enforcement of the Machinery Act.

Appropriation to treasurer.

Appropriation to auditor.

SEC. 91. *License to be exhibited on demand.*

It shall be the duty of every person liable to any license tax under this act to exhibit his license, whether said license is issued by the sheriff or the State Treasurer, upon demand of any sheriff, constable, deputy sheriff or justice of the peace of any county in

License to be exhibited on demand.

which he may offer to do business or practice the trade or profession for which license is required, and upon failure to do so every such person may be arrested and held to answer the charge, and if after arrest he shall produce his license he shall be discharged upon payment of costs.

Arrest on failure.
Discharge on exhibition of license and payment of costs.

SEC. 92. It shall be unlawful for any person to carry on or practice any itinerant trade, business or profession for which a license is required under this chapter without having in his actual possession at the time of so carrying on or practicing said trade, business or profession said license or duplicate thereof. Neither the State Treasurer nor sheriff shall have authority to issue a duplicate of any license unless expressly authorized to do so by this chapter, but each person, firm or corporation shall be required to take out a separate license for each agent. Any person violating the provisions of this act shall be guilty of a misdemeanor.

Unlawful to transact business without possession of license.

Duplicates of license only when expressly authorized.

Violation of act a misdemeanor.

SEC. 93. *Subjects of taxation revised in this act not otherwise taxable.*

Conflicting laws repealed.
Proviso: effect of repeal.

All laws imposing taxes the subjects of which are revised in this act are hereby repealed: *Provided*, that this repeal shall not extend to the provisions of any law, so far as they relate to the taxes listed or which ought to or would have been listed or which may have been due previous to the ratification of this act.

SEC. 94. This act shall be in force from and after its ratification.

SEC. 95. Ratified this the 8th day of March, 1911.

CHAPTER 47.

AN ACT TO CHANGE THE BOUNDARY LINE BETWEEN THE COUNTIES OF DURHAM AND WAKE.

The General Assembly of North Carolina do enact:

New line established.

Beginning, courses and distances.

SECTION 1. That a new line be and is hereby established between the counties of Durham and Wake in place of that part of the line heretofore existing between Oak Grove Township in Durham County and Oak Grove Township in Wake County, to run as follows: Beginning on the Durham County line at the corner of Oak Grove and Cedar Fork townships in Wake County, continuing thence along the old line between said townships about two and three-quarter miles, more or less, to a point four hundred and forty yards east of the place where the said line crosses the Morrisville and Oxford road; thence in a northeasterly direction about four miles, running in the same direction as and about four hundred and forty yards east of the Morrisville and Oxford road,

to a point in the line between Barton's Creek and Oak Grove townships in the county of Wake, four hundred and forty yards east of the Morrisville and Oxford road; thence north about four miles with the line between Bartons Creek and Oak Grove townships in Wake County to Neuse River, and thence up the meanderings of the said Neuse River to the Durham County line.

SEC. 2. That the boards of commissioners of the said counties of Durham and Wake shall cause the said line to be distinctly and definitely located, surveyed, and marked, according to the rules for settling a disputed county line prescribed by the general law of the State, within six months from the first day of March, one thousand nine hundred and eleven. Line to be located, surveyed and marked.

SEC. 3. That of the amount of bonded indebtedness outstanding against Wake County, the territory transferred by this act, and the county of Durham, shall assume liability and are hereby declared liable for the proportion of such present bonded indebtedness of Wake County that the taxable valuation of the property within the territory transferred bears to the taxable valuation of the property within the county as heretofore constituted, as shown by the tax books of the said county of Wake for the year one thousand nine hundred and ten. And a commission shall be created consisting at first of two persons, one of whom shall be appointed by the county commissioners of Durham County and the other by the county commissioners of Wake County, whose duty it shall be to ascertain definitely the amount of such bonded indebtedness for which the said territory and the county of Durham are liable to the county of Wake, and the manner in which such liability shall be liquidated. In the event that the two persons thus appointed fail to agree, a third person, not a resident of either county, shall be appointed by the Governor, and the decision of any two of such commissioners shall be final. Apportionment of bonded debt

SEC. 4. That all unadjusted claims growing out of the location of any public road through the territory described in section one of this act shall be assumed and paid by the county of Durham when reduced to judgment rendered by a court of competent jurisdiction. Commissioners for apportionment.

SEC. 5. That the territory transferred by this act from the county of Wake to the county of Durham shall be and constitute a new township in Durham County, to be known as "Carr Township." Umpire.

SEC. 6. That all laws and clauses of laws in conflict with this act are hereby repealed. Unadjusted road claims.

SEC. 7. That this act shall be in force from and after its ratification.

Ratified this the 27th day of February, A. D. 1911.

CHAPTER 48.

AN ACT TO AMEND SECTION 4484 OF THE REVISAL OF 1905, RELATING TO THE POWERS OF THE BOARD OF PHARMACY.

The General Assembly of North Carolina do enact:

Proviso: power of board to issue or renew license.

SECTION 1. That section four thousand four hundred and eighty-four of the Revisal of one thousand nine hundred and five be and the same is hereby amended by adding at the end of said section the following: "Provided, that the Board of Pharmacy, in its discretion, shall have the power to issue a license or permit, or renewals thereof, to any person whose license or permit has been revoked by operation of law or by the Board of Pharmacy, or whose renewal thereof has been refused by the Board of Pharmacy, after the expiration of one year from the date of such revocation of license or permit, or refusal of a renewal thereof, upon satisfactory proof that such person is entitled to such license or permit, or to a renewal thereof."

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 27th day of February, A. D. 1911.

CHAPTER 49.

AN ACT TO AMEND SECTION 1105 OF THE REVISAL OF 1905, SO AS TO ALLOW TRANSPORTATION COMPANIES TO GIVE FREE TRANSPORTATION TO WIDOWS AND MINOR CHILDREN OF DECEASED EMPLOYEES AND TO EMPLOYEES WHO ARE TEMPORARILY OUT OF WORK.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand one hundred and five of the Revisal of one thousand nine hundred and five be and the same is hereby amended by inserting between the word "families" and the word "or," in line twenty-four of said section, the following:

Extension of free transportation.

"Or furloughed, pensioned, and superannuated employees, persons who have become disabled or infirm in the service of any such common carrier, and the remains of a person killed in the employment of a common carrier and ex-employees traveling for the purpose of entering the service of any such common carrier and the families of those persons named; also, the families of persons killed, and the widows during widowhood, and minor children during minority of persons who died while in the service of any such common carrier."

SEC. 2. This act shall be in force from and after its ratification.

Ratified this the 27th day of February, A. D. 1911.

CHAPTER 50.

AN ACT TO AMEND CHAPTER 440, PUBLIC LAWS 1909, IN RELATION TO THE ASSESSMENT OF PROPERTY AND COLLECTION OF TAXES.

The General Assembly of North Carolina do enact:

That chapter four hundred and forty (440) of the Public Laws of one thousand nine hundred and nine be amended so as hereafter to read as follows: Former law amended.

ARTICLE I.

BOARD OF STATE TAX COMMISSIONERS.

SECTION 1. *Board of Corporation Commissioners created Board of State Tax Commissioners.*

In addition to the duties imposed upon the Board of Corporation Commissioners by the act creating said board, they are hereby created a Board of State Tax Commissioners, with powers and duties prescribed under this act. Corporation commission created board of State tax commissioners.

SEC. 2. The members of said board shall take and subscribe the constitutional oath of office, to be filed with the Secretary of State. Members of board to qualify.

SEC. 3. It shall be the duty of said board and they shall have power and authority to have general supervision of the system of taxation throughout the State, and to have and exercise general supervision over the administration of all assessment and tax laws, over all county, township, and city tax assessors and boards of equalization, to the end that all assessments of property, real, personal, and mixed, be made relatively just and uniform, and at its true value in money; to require all county, township, and city assessors, boards of equalization, levy and assessment, under penalty of forfeiture and removal from office, as such assessors or boards, to assess all property of every kind and character at its true value in money. General supervision of system of taxation. General supervision of administration of laws, assessors and boards of equalization.

(1) To confer with and advise assessing officers as to their duties under this act, and to institute proper proceedings to enforce the penalties and liabilities provided by law for public officers, officers of corporations and individuals failing to comply with this act; to prefer charges to the Governor against assessing and taxation officers who violate the law or fail in the performance of their duties in reference to assessments and taxation; and in the execution of these powers the said board may call upon the Attorney-General or any prosecuting attorney in the State to assist said board. To confer with and advise officers. To institute proceedings for enforcement of penalties and liabilities. To prefer charges against officers. Attorney-general and prosecuting officers to assist.

(2) At least thirty days previous to the date fixed for listing taxes, to prepare a pamphlet for the instruction of tax assessors. Said pamphlet shall, in as plain terms as possible, explain the proper working of the tax laws of the State, and shall call par- Pamphlets for instruction of tax assessors. Attention to points overlooked or neglected.

Advisory and explanatory duties.

ticular attention to any points in the administration of the laws which have seemed to be overlooked or neglected. They shall advise the assessors of the practical working of the laws and explain any points which seem to be intricate and upon which assessors may differ.

To receive and investigate complaints.

(3) To receive complaints as to property liable to taxation that has not been assessed or of property that has been fraudulently or improperly assessed through error or otherwise, and to investigate the same, and to take such proceedings and to make such orders as will correct the irregularity complained of, if found to exist.

To correct irregularities.

Visits to counties.
Purpose of visits.

(4) To see that each county in the State be visited by at least one member of the board as often as is necessary, to the end that all complaints concerning the law of assessment and taxation may be heard; that information concerning its workings may be collected; that all assessing and taxation officers comply with the law and all violations thereof be punished, and that all proper suggestions as to amendments and change may be made.

To require reports from officers.

(5) To require from any registers of deeds, clerks of courts, mayors and clerks of towns or any other officer in this State, on forms prescribed by said Board of State Tax Commissioners, such annual or other reports as shall enable said board to ascertain the assessed valuations of all property listed for taxation throughout the State under this act, the amount of taxes assessed, collected, and returned delinquent, and such other matters as the board may require, to the end that it may have complete and statistical information as to the practical operation of this act; that every such officer mentioned in this section who shall willfully neglect or refuse to furnish any report required by the Commission for the purposes of this act, or who shall willfully and unlawfully hinder, delay or obstruct said Commission in the discharge of its duties, shall forfeit and pay one hundred dollars for each offense, to be recovered in an action in the name of the State. A delay of ten days to make and furnish such report shall raise the presumption that the same was willful.

Penalty for neglect or refusal to furnish report, or hindrance to commission.

Presumption of willful delay.

To investigate laws and systems of other States and countries.

(6) To make diligent investigation and inquiry concerning the revenue laws and systems of other States and countries, so far as the same is made known by published reports and statistics and can be ascertained by correspondence with officers thereof, and, with the aid of information thus obtained, together with experience and observation of our own laws, to recommend to the Legislature at each regular session thereof such amendments, changes or modifications of our revenue laws as seem proper and necessary to remedy injustice and irregularities in taxation and to facilitate the assessment and collection of public revenues.

Recommendations to legislature.

Reports to legislature.

(7) To further report to the Legislature at each regular session thereof, or at such other times as the Legislature may direct, the whole amount of taxes collected in the State for all purposes,

classified as to State, county, township and municipal purposes, with the sources thereof; the amount lost, the cause of the loss, the proceedings of said board and such other matters of information concerning the public revenues as it may deem of public interest.

(8) To discharge such other duties as are or may be prescribed by law. To discharge other duties.

SEC. 4. *Board to make annual report to the Governor.*

The Board of State Tax Commissioners shall, on or before the first day of November of each year, make an annual report to the Governor of the State, setting forth the workings of said Commission during the preceding year and containing the findings and recommendations of said Commission in relation to all matters of taxation. The State Auditor shall cause two thousand copies of said report to be printed on or before the first day of December succeeding the making of said report. One hundred copies of said report shall be placed at the disposal of the State Librarian for distribution and exchange, and a copy of said report shall be forwarded by said Tax Commission to each member of the General Assembly as soon as printed. Annual reports to governor.
Report to be printed.
Distribution of report.

SEC. 5. After the various tax lists required to be made under this act shall have been passed upon by the county board of equalization the State Board of Tax Commissioners or any member thereof shall have power to reconvene said board and to make such orders as the Tax Commissioners shall determine are just and necessary, and to direct and order such county boards of equalization to raise or lower the valuation of the property, real or personal, in any county, township or city, and to raise or lower the valuation of property of any person, company or corporation; and to order and direct any county board of equalization or board of county commissioners to raise or lower the valuation of any class or classes of property; and generally to perform and do any act or to make any order or direction to any county board of equalization, board of county commissioners, or any county or township assessor as to the valuation of any property or any class of property in any township, city or county, which in the judgment of said Tax Commission may seem just and necessary, to the end that all property shall be valued and assessed in the same manner and to the same extent as any and all other property, real or personal, required to be listed for taxation. The Tax Commissioners or any member thereof are authorized to require county assessors to carefully place upon the assessment rolls, for taxation as provided by law, omitted property which may be discovered to have for any reason escaped assessment and taxation in previous years. Power to reconvene county board of equalization.
Procedure for correction of tax lists.
General powers in revision of tax lists.
Omitted property to be placed on lists.

The Board of Tax Commissioners are authorized to require the county assessors or clerk of the board of county commissioners of each county in the State to file with them, when called for, com- May require counties to file itemized abstracts.

Power to make rules and regulations.

plete abstracts of all real and personal property in the county as equalized by the county board of equalization and itemized by townships. The Board of Tax Commissioners are authorized to make such rules and regulations as the board may deem proper to effectually carry out the purposes for which the board is constituted and to make all rules and regulations not inconsistent with law as the board may deem necessary with respect to its own meetings, proceedings, notices, and hearings.

Record of official proceedings.
Certified copies received in evidence.

SEC. 6. The said Board of State Tax Commissioners shall keep an accurate record of its official proceedings. Certified copies of its records, attested with its official seal, shall be received in evidence in all courts of the State with like effect as certified copies of other public records.

SEC. 7. *Place of meetings of board; shall have access to books, papers, etc., with power to subpoena and examine witnesses.*

Sessions of board.

Regular sessions of said board shall be held at the office of said board in the city of Raleigh. The said board and the members thereof shall have access to all books, papers, documents, statements and accounts on file or of record in any of the departments of State. It shall have like access to all books, papers, documents, statements and accounts on file or of record in counties, townships

Access to records and documents.

and municipalities. Said board shall have the right to subpoena witnesses, upon a subpoena signed by the chairman of said board, directed to such witnesses, which subpoena may be served by any person authorized to serve subpoenas from courts of record in this State; and the attendance of witnesses may be compelled by attachment, to be issued by any Superior Court upon proper showing that such witness has been properly subpoenaed and has refused to obey such subpoena. The person serving such subpoena shall receive the same compensation now allowed to sheriffs and other

To subpoena witnesses.

Service of subpoena.

Attendance compelled by attachment.

Fee for service.

Power to examine witnesses.
Administration of oath.
Right to examine books, papers or accounts.

officers for serving subpoenas. Said board shall have the power to examine witnesses under oath, said oath to be administered by any member of said board or by the secretary thereof. Said board shall have the right to examine books, papers or accounts of any corporation, firm or individual owning property liable to assessment for taxes, general or specific, under the laws of this State; and any officer or stockholder of any such corporation, any member of any such firm or any person or persons who shall refuse to permit such inspection or neglect or fail to appear before said board in response to its subpoena, or testify, as provided for in this section, shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding one thousand dollars or by imprisonment in the State's Prison for a period not exceeding two years, or both such fine and imprisonment, in the discretion of the court.

Refusal to permit inspection or failure to appear and testify a misdemeanor.

Punishment.

State board of equalization of valuations and taxes.

SEC. 8. The State Board of Tax Commissioners shall constitute a State board of equalization of valuations and taxes for the State. In case it shall appear or be made to appear to said board that

any tax list in any county in the State is grossly irregular, unlawfully or unequally assessed, it shall be the duty of said board to equalize the valuations of real property among the several counties in the State in the following manner:

SEC. 9. *Lands; how equalized.*

Lands shall be equalized by adding to the aggregate assessed value thereof, in every county in which said board may believe the valuation to be too low, such rate per centum as will raise the same to its proper proportionate value, and by deducting from the aggregate assessed value thereof, in every county in which said board may believe the valuation to be too high, such per centum as will reduce the same to its proper value. Town and city lots shall be equalized in the same manner herein provided for equalizing lands, and, at the option of said board, may be combined and equalized with lands.

Grossly irregular lists corrected.

Increase of assessment rate.

Deduction pro rata from assessment.

Equalization of town and city lots.

SEC. 10. *Final examination.*

When said board shall have separately considered the several classes of property as hereinbefore required, the results shall be combined into one table, and the same shall be examined, compared and perfected, in such manner as said board shall deem best to accomplish a just equalization of assessments throughout the State.

Results combined in one table.

Examination, comparison and perfection of result.

SEC. 11. *When equalization completed.*

When said board shall have completed its equalization of assessments for any year the clerk of the board shall certify the rate per centum or amount finally determined by said board to be added to or deducted from the assessed valuation of each class of property in the several counties; and it shall be the duty of the clerk of the board of county commissioners, assisted by the county assessor, to extend the rates of addition or deduction as ordered by said board of State equalization.

Final determination certified to counties.

Reformation of lists by counties.

SEC. 12. The Board of Tax Commissioners may direct that any member of the board shall hear complaints, make examinations and investigations.

SEC. 13. The Corporation Commission may employ such additional clerks, agents, or other help as in their judgment they may deem necessary to put into proper execution the provisions of this act. The persons so elected shall hold office during the pleasure of said board. The sum of three thousand six hundred dollars (\$3,600), or so much thereof as may be necessary, is hereby appropriated for the payment of the services of said clerks, agents, or other help. The members of said board shall receive an annual salary each of five hundred dollars (\$500) in addition to their salary as Corporation Commissioners and shall devote their whole time to the discharge of the duties of their office, and they shall also receive their necessary traveling expenses, including necessary postage, stationery,

Employment of additional clerks.

Term of clerks.

Appropriation.

Salary of members of board.

Shall devote whole time to work.
Allowance of expenses.

Audit and payment of expense account.

and printing, in the performance of their duties, to be audited and allowed by the State Auditor and paid monthly by the State Treasurer out of the general fund.

SEC. 14. *Commissioners shall have power to exempt; sheriff to garnishee if taxes are not paid in sixty days; form of attachment.*

County commissioners may exempt from poll tax.

The board of commissioners of the several counties shall have power to exempt any person from the payment of poll tax on account of poverty and infirmity; and when any such person has been once exempted he shall not be required to renew his application unless the commissioners shall revoke the exemption. When such exemption shall have been made, the clerk of the commissioners shall furnish the person with a certificate of such action, and the person to whom it was issued shall be required to list his poll, but upon exhibition of such certificate the list taker shall annually enter in the column intended for the poll the word "Exempt," and the poll shall not be charged in computing the list. If any poll tax or other tax shall not be paid within sixty days after the same shall be demandable it shall be the duty of the sheriff, if he can find no property of the person liable sufficient to satisfy the same, to attach any debt or other property incapable of manual delivery due or belonging to the person liable or that may become due before the expiration of the calendar year, and the person owing such debt or having such property in possession shall be liable for said tax. Any corporation, firm or person who shall, on demand or request made, refuse to give to the tax collector of any county, city or town a list giving the names of all persons employed by them who are liable for tax shall be guilty of a misdemeanor. For the purpose of carrying into effect the provisions of this section the following form shall be used as an attachment, viz.:

Certificate of exemption.

Collection by garnishment.

Refusal to furnish lists of employees a misdemeanor.

To A. B.,

Form of garnishment.

Take notice that this is to attach any debt that is now due or may become due to C. D., a delinquent in his poll (or property) tax for the year one thousand nine hundred and and you are hereby summoned to appear before E. F., an acting justice of the peace for County, and disclose any indebtedness which is or may be due said delinquent by you during the present calendar year, and to show cause why judgment should not be rendered against you for said delinquent tax and costs of this proceeding. day of, 19....

A. B., Sheriff, or Tax Collector.

Fees of sheriff and magistrate.

For serving notice the sheriff shall receive twenty-five cents, and if judgment is rendered the justice shall receive twenty-five cents as costs.

SEC. 15. *County assessors to be appointed; term of office; compensation.*

The State Tax Commissioners shall, on or before the first day of April, one thousand nine hundred and eleven, appoint one discreet freeholder of each county in the State, who shall be an experienced and practical business man, to be known as county assessor. Such county assessor shall hold his office for two years, and may devote such time as may be necessary to the duties of the office for not exceeding three months in each year, from the first day of May to the thirty-first day of July, and shall receive four dollars per day for such time as he may actually and necessarily be engaged in performing the duties of the office, to be audited and allowed by the board of county commissioners, and the board of commissioners shall be the judge of the time necessary for this work. In the event that the office becomes vacant during the term, the State Tax Commission shall, as soon as possible, appoint another person to act as and perform the duties of county assessor for the balance of that term: *Provided*, that in counties having an aggregate value of property for taxation exceeding ten million dollars the county assessor may be employed for any period longer than three months, and not exceeding five months, if directed by the Corporation Commission.

Appointment of county assessor.

Term of office.

Pay of assessors.

Audit of claim.

Vacancies filled.

Proviso: employment in counties exceeding \$10,000,000 of assessed property.

SEC. 16. *Commissioners to appoint assistant assessors; term of office; compensation.*

The board of commissioners of each county shall on the first Monday in the month of April, one thousand nine hundred and eleven, appoint one discreet freeholder in each township, for not less than twelve months, who shall be known as the assistant assessor, and who shall list and assess the real and personal property in said township for taxation: *Provided*, said board of county commissioners may appoint an assistant assessor for the purposes mentioned in this act for each ward in any city or town in their respective townships. The assistant assessor shall hold his office for a term of twelve months, except that he may be removed by the board of county commissioners. He shall devote such portion of time to the duties of the office as may be necessary, during two months in each year, from the first day of May to the thirtieth day of June, and shall receive such compensation as the board of county commissioners shall deem just and proper, not exceeding the sum of three dollars per day for such time as he may actually and necessarily be engaged in performing the duties of the office.

Appointment of assistant assessors.

Proviso: assistant assessors in cities and towns.

Term of office.

Time devoted to work.

Compensation.

SEC. 17. *General duties of county assessors.*

The county assessor may require the assistant assessors to meet him at such time and place as he may designate before assessments begin, to confer with them relative to their duties in making the assessment and valuation of real and personal property sub-

County assessor to confer with assistants as to assessments and equalization of values.

ject to taxation, and in reference to the equalization of values as between individual taxpayers and as between the townships.

Place of meeting.

SEC. 18. The county assessor shall meet with the different township or assistant assessors appointed for the county, at the county-seat or at such places within the townships of the respective assistant assessors as he may designate, at least one day during the period of assessment, and as early in the assessment period as practicable, and shall confer with and instruct such assistant in the discharge of his duties.

Conference with and instruction of assistants.

SEC. 19. *General duties of assistant assessors; review by county assessor and county board of equalization; in force four years.*

Beginning, completion and return of work.

The assistant assessor shall begin work on the first day of May in each year, and shall complete the same as early as practicable, and shall return his list of assessments so made out to the county assessor. Immediately upon the completion thereof by the assistant assessor and the return thereof by him to the county assessor, the county and assistant assessors shall revise such list at such place and at such stated time or times before the first day of July as the county assessor may designate, and make such changes as may be agreed upon as to the values of the property listed and assessed by the said assistant assessor. In case of a disagreement, the matter shall be referred to and decided by the county board of equalization when it meets to review and equalize the assessments of property in the county. The schedule shall have one column in which shall be placed the values fixed by the assistant assessor; one in which shall be placed the values fixed by the joint action of the county assessor and the assistant assessor; and the third for the value to be fixed by the county board of equalization. The assessment, when made, shall be in force for four years, or until altered, as provided by this act, by reason of structural improvement, erection, or destruction.

Revision of list.

Matters referred to county board of equalization.

Schedules.

Assessment in force four years.

SEC. 20. *Duties of assistant assessor as to assessing and listing property.*

Assistant assessors to visit taxpayers and obtain lists.

The assistant assessor shall visit each taxpayer in his township between the first and the thirty-first days of May, and shall obtain from such taxpayer a full, complete, and detailed statement of each and every piece and kind of property, real, personal, and mixed, which each taxpayer shall own on the first day of May, together with as near as possible the true value in money owned by him or them or which may be under his or their control as agent, guardian, administrator, or otherwise, and which should be listed for taxation. And it shall be the duty of said assistant assessor to ascertain and place the actual cash value in money opposite each piece or class of property listed for taxation. He is hereby authorized and empowered to administer oaths in all cases necessary to obtain full and correct information concerning any taxable

Assessor to ascertain and insert value.
Power to administer oaths.

real and personal property in his township. In the event that the assistant assessor has failed to obtain such a statement from any taxpayers before the first day of June, because he has been unable to visit all taxpayers within the township, or in case the assistant assessor could not find such taxpayer, or for any other reason, it shall be the duty of such taxpayers to make a return of such statement of property at the home or office of the assistant assessor on or before the fifteenth day of June. And thereafter the said assistant assessor, upon notice posted in five public places in his township or given in a newspaper published in his county, ten days before the time named, may require all persons, delinquent in the matter of listing their property or who have failed to list their property for any cause, to appear at the place and times stated in such notice, and list their property. Such notice shall be posted or published on or before the tenth day of June.

Lists to be returned by taxpayers.

Notice for delinquents to appear and list property.

Date of publication.

SEC. 21. *Listing lands in off years; correcting assessment.*

Except in the year when there shall be an assessment of property, the assistant assessor shall list the lands in his township at the valuation previously assessed on the same and all personal property in said township. Such assistant assessor shall correct any parcel of real property on which any structure of over one hundred dollars value may have been erected or on which any structure of the like value shall have been destroyed, agreeably to the returns made in accordance with the provisions of this act.

Assistant assessor to list lands. Valuation.

Corrections for erection or destruction of buildings.

SEC. 22. *Discovering property not listed.*

It shall be the duty of the county assessor and the several assistant assessors to be constantly looking out for property which has not been listed for taxation, and, when discovered, such property shall be duly placed upon the assessment list and properly assessed for taxation. At any time before or after the tax list has been turned over to the sheriff as provided for in section eighty-one of this act, such property may be so discovered, the county or assistant assessor shall make return thereof to the clerk of the board of county commissioners, who shall enter such property upon the tax books, make out a tax account, and place the same in the hands of the sheriff or tax collector and charge him with the same and issue such orders to the sheriff as provided in section eighty-one, and such orders shall have the force and effect of a judgment and execution against the real and personal property of the person charged with such list, as provided in section eighty-one for the regular tax list.

Discovery of property not listed.

Discovered property listed and assessed.

Returns to clerk of county commissioners.

Clerk to enter property. Tax account.

Charge against and orders to sheriff.

Force and effect of orders.

SEC. 23. *Real property to be assessed at its true value in money.*

Real property shall be valued by the assistant assessor either from actual view or from the best information that he can practically obtain, according to its true value in money. In determining the value the assistant assessor shall consider, as to each piece, its

Real property valued by assistant assessor.

Considerations governing valuation.

advantage or disadvantage of location, quality of soil, quantity of standing timber, water privileges, mines, minerals, quarries or other valuable deposits known to be available therein, and their value.

SEC. 24. *Boards of aldermen and boards of commissioners of cities and towns lying in two or more counties to appoint municipal tax assessors.*

Valuation for municipal taxation in towns lying in two or more counties.

For the purposes of municipal taxation, all real and personal property, subject to taxation under levy to be made by the several boards of aldermen and boards of commissioners of cities and towns lying in two or more counties, shall be listed and assessed by tax assessors appointed, and the valuation thereof shall be equalized by boards of equalization constituted, as hereinafter set out, and in the manner following:

Appointment of board of tax assessors.

(1) The board of aldermen or board of commissioners of each and every such city or town shall, at the first regular meeting of such board held in the month of April, one thousand nine hundred and eleven, and every fourth year thereafter, appoint three dis-creeet freeholders, each of whom shall have been a resident freeholder in such city or town for a period of not less than twelve months, who shall constitute the board of tax assessors for said city or town, and shall, in like manner as is in this chapter provided for listing and assessing real and personal property by county assessors and township or assistant assessors, for all purposes of municipal taxation by said city or town, list and assess, at its true value in money, the real and personal property in said city or town, without reference to the valuation placed thereon by the county assessors and township or assistant assessors. And such municipal boards of tax assessors, in listing and assessing such property for the purposes of municipal taxation as aforesaid, shall possess and exercise every power in this chapter conferred upon county assessors and township or assistant assessors, in listing and assessing property for the purposes of State and county taxation.

Listing and assessment of property.

Powers of board.

Municipal board of equalization.

Equalization.

Powers of municipal board.

(2) The board of aldermen or board of commissioners of each and every such city or town, together with such one of the tax assessors as shall have been selected as chairman, shall constitute the board of equalization for the same, and shall, in like manner as in this chapter provided for the equalization of the valuation placed upon real and personal property by county assessors and township or assistant assessors, equalize the valuation placed upon the real and personal property in such city or town by such municipal tax assessors, and such municipal board of equalization, in the equalization of the valuation of such real and personal property as aforesaid, shall possess and exercise every power in this chapter conferred upon county boards of equalization, in the

equalization of the valuation placed upon property by the county assessors and township or assistant assessors for the purposes of State and county taxation.

(3) The board of aldermen or board of commissioners of each and every such city or town shall, at the first regular meeting of such board held in April of each year, except in those years in which there shall be a general assessment of property, appoint one discreet freeholder, who shall have been a resident freeholder of such city or town for not less than twelve months, who shall be known as tax assessor, and who shall list and assess all the real and personal property in such city or town for the purposes of municipal taxation by said city or town, and in like manner as is in this chapter provided for listing property by township or assistant assessors, list the land in such city or town, at the valuation previously assessed on the same, and also all personal property therein. Any such municipal tax assessors, in listing such property for the purposes of municipal taxation as aforesaid, shall possess and exercise every power in this chapter conferred upon township or assistant assessors in listing and assessing property for the purposes of State and county taxation.

Appointment of tax assessors.

Listing and assessment.

Powers of tax assessors.

(4) The board of aldermen or board of commissioners of each and every such city or town shall, in every year in which there shall be no general assessment of property, and in like manner as in this chapter provided for the revision and correction of the county tax lists and the valuation returned to them by the township assessors appointed to list property for the purposes of State and county taxation, revise and correct the municipal tax lists returned to such board of aldermen or board of commissioners by the municipal tax assessors appointed to list the property in such city or town for the purposes of municipal taxation. And such board of aldermen or board of commissioners, in the revision and correction of the municipal tax lists as aforesaid, and in the performance of every other act necessary or expedient to be done in carrying out the intent of this section to confer upon the boards of aldermen and boards of commissioners of such cities and towns all necessary powers in the listing and assessment of property for the purposes of municipal taxation, shall possess and exercise in like manner all kindred powers in this chapter conferred upon boards of county commissioners.

Revision of lists.

Powers of aldermen or commissioners of town.

(5) That all expenses incident to the listing and assessment of property for the purposes of municipal taxation as aforesaid shall be borne by the city or town for whose benefit the same is undertaken.

Expense borne by municipality.

(6) That no valid and enforceable provisions contained in the charter of any such city or town, and conferring upon the board of aldermen or board of commissioners the power to appoint municipal assessors, and otherwise making provision for the listing and assessment of property for the purposes of municipal taxation and

Provisions of charter of municipality not abrogated or repealed.

Proviso: adoption of system in discretion of board.

for the exercise of kindred powers, shall be deemed to be abrogated or repealed by the foregoing provisions of this section: *Provided, however*, that the board of aldermen of any such city or town may, in the discretion of such board, adopt the system of tax assessment herein provided for.

SEC. 25. *All articles of personal property to be assessed at their true value in money.*

Personal property valued by assistant assessor. Reports of property not listed.

All articles of personal property shall, as far as practicable, be valued by the assistant assessor according to their true value in money; and after arriving at the total valuation of all articles of personal property which he shall be able to discover as belonging to any person, if he has sufficient evidence upon which to form a belief that such person has other personal property, consisting of money, credits, debts due or to become due, or any other thing of value liable to taxation, he shall report the fact to the county assessor and to the board of county commissioners, who shall have power to take such action as may be necessary to get said property on the tax list.

Action by county commissioners.

SEC. 26. *Defining "market value," or "true value."*

Definition of "market value" and "true value."

The intent and purpose of the tax laws of this State is to have all property and subjects of taxation fairly assessed at their true value in money, in such manner as such property and subjects are usually sold, but not by forced sale thereof, and the words "market value," or "true value," whenever in the tax laws, shall be held and deemed to mean what the property and subjects would bring at cash sale when sold in such manner as such property and subjects are usually sold.

SEC. 27. *Oath of county assessor.*

County assessor to qualify.

Before entering upon the discharge of the duties of his office, the county assessor shall take and subscribe the following oath before the chairman of the board of county commissioners for his county, or some officer qualified to administer oaths:

Form of oath.

"I,, county assessor of County, do solemnly swear (or affirm) that I will discharge the duties devolving upon me as county assessor according to the laws in force governing said office: so help me, God."

SEC. 28. *Oath of assistant assessor.*

Assistant assessor to qualify.

Before entering upon the discharge of the duties of his office, the assistant assessor shall take and subscribe the following oath before the chairman of the board of county commissioners for his county, or some officer qualified to administer oaths:

Form of oath.

"I,, assistant assessor for Township of County, do solemnly swear (or affirm) that I will discharge the duties devolving upon me as assistant assessor according to the laws in force governing said office: so help me, God."

And upon making his complete return of his assessments, embracing an abstract of the taxable property of his township, to the county assessor, the assistant assessor shall annex the following affidavit, subscribed and sworn to before a justice of the peace, who shall certify the same:

Assistant assessor to make affidavit with returns.

"I, the assistant assessor for Township of County, make oath that the foregoing list contains, to the best of my knowledge and belief, all the real and personal property required by law to be assessed in said township, and that I have assessed every tract or parcel of land or other real and personal property at its true value in money, and have endeavored to do equal justice to the public and to the taxpayers concerned."

Form of affidavit.

Any assessor making a false return shall be deemed guilty of a misdemeanor.

False return a misdemeanor.

SEC. 29. *Board of equalization.*

The board of county commissioners and the county assessor shall constitute a board of equalization for the county and shall meet on the second Monday in July. The chairman of the board of county commissioners shall be chairman of the board of equalization and shall lay before the board of equalization the returns of the county and assistant assessors. Said board shall equalize the valuation so that each tract or lot or article of personal property shall be entered on the tax list at its true value in money, and for this purpose they shall observe the following rules: (1) They shall raise the valuation of such tracts or lots of property or articles of personal property, including stocks, bonds and shares in all incorporated companies, except such as are specifically exempt by law, as in their opinion have been returned below their true value, to such price or sum as they may believe to be the true value thereof. (2) They shall reduce the valuation of such tracts and lots or articles of personal property as in their opinion have been returned above their true value, as compared with the average valuation of real and personal property, including stocks, bonds and shares of all incorporated companies of such county. In regard to real property, they shall have due regard to the relative situation, quality of soil, improvements, natural and artificial advantages possessed by each tract or lot.

County board of equalization. Date of meeting; organization.

Board to equalize valuation.

Raise of valuation.

Reduction of valuation.

Considerations as to value of real property.

SEC. 30. *Compensation as members of board of equalization.*

The members of the board of county commissioners shall be allowed, each as a member of the board of equalization, their usual compensation *per diem* for the number of days actually engaged in the performance of his duties, and in addition thereto mileage at the rate of five cents for each mile necessarily traveled in attending the meetings of the board of equalization. The *per diem* and mileage as provided in this section shall be paid by the county.

Compensation.

Per diem.

Mileage.

Compensation paid by county.

SEC. 31. *Assessors to make out their accounts; when entitled to compensation.*

County and assistant assessors to file accounts in detail and under oath. Not entitled to compensation until work is completed.

County and assistant assessors shall make out their accounts in detail, giving the date of each day when they shall have been employed, which account they shall verify under oath. They shall not be entitled to compensation until they shall have filed lists, schedules, statements and books appertaining to the assessment of property for such year in the office of the clerk of the commissioners, the books to be accurately made up. The county and assistant assessors shall not be entitled to pay unless they have performed the labor and made return in strict compliance with the law. The county commissioners shall be the judges of the number of days actually necessary for taking the list, and may regulate the same when a greater number of days are charged for than they deem necessary.

County commissioners to revise accounts.

SEC. 32. *How to list property.*

Property-owner to file verified lists.

Every person owning property is required to list and shall make out, sign and deliver to the assistant assessor a statement, verified by his oath, of all the real and personal property, moneys, credits, investments in bonds, stocks, joint-stock companies, annuities or otherwise, and the value of improvements on real estate since same was assessed, in his possession or under his control on the first day of May, either as owner or holder thereof, or as parent, guardian, trustee, executor, executrix, administrator, administratrix, receiver, accounting officer, partner, agent, factor or otherwise: *Provided*, that whenever personal property has been conveyed in trust and the trustee resides out of the State, but the trustor resides within the State, then and in that case such property shall be listed for taxation in this State by said trustor where the property is situated. In all cases where a guardian, executor or executrix, administrator or administratrix resides in a city or incorporated town, all personal property in the hands of such guardian, executor or executrix, administrator or administratrix shall be listed for taxation only where their wards resided on the first day of May and where the deceased persons resided on the date of their death, unless such wards or deceased persons were nonresidents of the State on the first day of May or at the day of death, in which case the guardian, executor or executrix, administrator or administratrix shall list the property where he or she resides on the first day of May: *Provided further*, that when personal property is held in trust for another by any person, firm or corporation in this State, whether as guardian, trustee or otherwise, and the *cestui que trust* is a resident of the State, then the same shall be listed for taxation in the county and township where the *cestui que trust* lived on the first day of May; and if the *cestui que trust* lived in a county in the State other than the county of the trustee, guardian or other person so holding

Property held as owner or in fiduciary capacity.

Proviso: property listed by trustor.

Place of listing property held by fiduciaries.

Proviso: personal property held in trust listed at residence of *cestui que trust*.

said property, then the property so held in trust may be listed for taxation by forwarding a list thereof, verified by oath, to the register of deeds of the county wherein the *cestui que trust* lived on the first day of May, and such register shall enter the same on the tax lists of the township in which the *cestui que trust* lived; and banks listing their stock held in trust shall give the name of the *cestui que trust* lives and shall forward to the register of deeds of that county the names of *cestuis que trust* living therein, with the number of shares held by each, and their taxable value, to the end that they may be entered for school, county and municipal taxation. The guardian shall be exempt from municipal taxation on the personal property of his ward when the ward resides outside of the corporate limits of the city or town. Any person who, to evade the payment of taxes, surrenders or exchanges certificates of deposit in any bank in this State or elsewhere for nontaxpaying securities, or surrenders any taxable property for nontaxable property, and after the date of listing property has passed takes said certificates or other taxable property back and gives up said nontaxpaying securities or property, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty nor more than two hundred dollars (one-half of which shall go to the informer) or imprisoned not less than one month nor more than six months, or both.

Bank stock held in trust.

Guardian exempt from municipal tax on property of nonresident ward. Evasion of tax a misdemeanor.

Punishment.

One-half fine to informant.

SEC. 33. *Who may list through agents.*

The list shall be given by the person charged, during the months of May and June, as herein prescribed: *Provided*, that agents for the purpose of listing property may be appointed by females or nonresidents of the township where the property is situate, or by persons physically unable to attend and file their list at any time during the months of May and June. The property of a corporation shall be given in by the president, cashier, treasurer or other person appointed for that purpose.

List to be given by person charged. Time of listing. Proviso: agents for listing property.

Returns of corporations made by officers.

SEC. 34. *Where to list real estate, timber, mineral and quarry lands.*

All real property subject to taxation shall be listed in the township in which said property is situated on the first day of May. When the fee of the soil of any tract, parcel or lot of land is in any person or persons, natural or artificial, and the right to any minerals, quarry or timber therein is in another or others, the same shall be valued and listed, agreeable to such ownership, in separate entries specifying the interest listed, and shall be taxed to the parties owning the different interests, respectively. In listing mineral, quarry or timber interests the owner thereof shall describe the same in his list, together with the separate value of each separate tract or parcel of land in or on which the same shall be situated or located, and the assistant assessor shall be

Real property listed where situate.

Interests listed separately.

Mineral, quarry and timber interests to be described.

Owner to list timber interests.

particular to enter the same on the tax list according to the returns. An owner of separate timber interests shall list the same, whether the timber shall be attached to or detached from the soil.

Sec. 35. *Where polls and personal property shall be listed.*

Polls and personal property listed where owner resides. Exceptions. Shares of stock.

All taxable polls and all personal property shall be listed in the township in which the person so charged resides on the first day of May, subject to the following exceptions:

(1) Such shares of stock as are directed to be listed otherwise by this act.

Goods and chattels in place where used.

(2) All goods and chattels situated in some township, town or city other than that where the owner resides shall be listed in the township, town or city where situated, and not elsewhere, if the owner or person having control thereof hires or occupies a store, mill, dockyard, piling-ground, place for sale of property, shop, office, mine, farm, place of storage, manufactory or warehouse therein for use in connection with such goods and chattels: *Provided*, that all farm products, while owned by the raiser or producer, shall be listed where raised, and that all manufactured goods consigned or stored out of the State shall be listed where the owner resides. The residence of a person who has two or more places in which he occasionally dwells shall be that in which he dwells for the longest period of time during the year preceding the first day of May. The place where the principal office in this State is situated shall be deemed the residence of the corporation; but if there be no principal office in the State, then such property shall be listed and taxed at any place in the State where the corporation transacts business. For the purpose of assessing property and collecting taxes, a copartnership shall be treated as an individual, and property shall be listed in the name of the firm. A copartnership shall be deemed to reside in the township, town or city where its business is principally carried on. Each partner shall be liable for the whole tax. Any taxpayer who fails to list any personal property or poll liable to taxation in this State shall be guilty of a misdemeanor.

Proviso: farm products.

Manufactured goods consigned or stored outside of State. Residence defined.

Residence of corporation.

Copartnership property listed in name of firm. Residence of copartnership.

Liability for partnership tax. Failure to list a misdemeanor.

Sec. 36. *Debts owing by taxpayer may be deducted.*

Taxpayer to file lists.

The taxpayer, upon being visited by the assistant assessor, or upon making a return to the assistant assessor of his property subject to taxation, under the provisions of section twenty of this act, shall file with the assistant assessor, on a blank to be prepared and furnished by the State Auditor, a statement of all the property of every kind and description owned by the taxpayer, and also a statement of his income subject to taxation under the laws of this State. All *bona fide* indebtedness owing by any person may be deducted by the assistant assessor from the amount of said person's credits, and insurance companies may deduct from solvent credits due to them an amount equal to their reinsurance reserve.

Blanks prepared by auditor.

Statement of income.

Deductions allowed from credits. Deductions by insurance companies.

SEC. 37. *Penalty for not listing personal property.*

Any person, firm or corporation in this State owning or holding personal property of any nature or description, individually or as agent, trustee, guardian, administrator, executor, assignee, or receiver, which property is subject to assessment, who shall intentionally make a false statement to the assessor or assistant assessor of his assessment district, or to the board of equalization thereof, for the purpose of avoiding the payment of the just and proportionate taxes thereon, shall forfeit the sum of ten dollars for every hundred dollars or major fraction thereof so withheld from the knowledge of such assessor, assistant assessor, or board of equalization. It is hereby made a duty of the sheriff of any county, upon complaint made to him by any taxpayer of the assessment district, in which it is alleged that property has been so withheld from the knowledge of the assessor, assistant assessor, or board of equalization or not included in the said statement, to investigate the case forthwith and bring an action in the Superior Court in the name of the State against the person so complained of. All forfeitures collected under the provisions of this section shall be paid into the county treasury.

Forfeit for false statement.
Investigation by sheriff on complaint.
Action to be brought.
Forfeit paid into county treasury.

SEC. 38. *Assessors shall administer oath.*

It shall be the duty of the assistant assessors of the several counties of the State, before receiving the returns of any taxpayer, to actually administer the oath required by law of taxpayers, the oath being read by the taxpayer in the presence and in the hearing of the assistant assessor, or by the assistant assessor in the hearing and presence of the taxpayer; and for failure of said assistant assessor to so administer said oath, except in those cases where by law said oath may be made before some other person, such assistant assessor shall be guilty of a misdemeanor, and upon conviction shall be punished by imprisonment of not less than ten days nor more than six months, and in addition shall forfeit the sum of ten dollars for each such omission, one-half to go to the person furnishing information sufficient to convict and one-half to the educational fund of the State, said amounts to be deducted from the compensation of such assistant assessor.

Assistant assessors to actually administer oath.
Failure to administer oath a misdemeanor.
Punishment.
Forfeit.
One-half of forfeit to informant.

SEC. 39. *Oath of taxpayer.*

The assistant assessor shall require the owner, agent, guardian, personal representative, or other person having control of the property, and listing such property, to make and subscribe the following oath, which shall be attached to each and every schedule, to wit:

Taxpayer to swear to statement.
Form of oath.

"I,, do solemnly swear (or affirm) that the above and foregoing listed property is a full, true, and complete list of all and each kind of property owned by me or under my control as agent, guardian, personal representative, or

otherwise, and that I have not neglected to list for taxation for the year all of each and every kind of property of which I am the owner or of which I have control as agent, guardian, personal representative, or otherwise, in the county of State of North Carolina, and that I have not in any way connived at the violation or evasion of the requirements of law in relation to the assessment of property for taxation: so help me, God."

SEC. 40. *Property held in trust listed separately.*

Property held in fiduciary capacity or in right of married woman listed separately. Liability of sheriff for failure to report false return.

Property held in trust or as agent, guardian, executor, or executrix, administrator or administratrix, or in the right of a *feme covert*, shall be returnable on a separate list. The sheriff or other tax collector in any county shall be liable to suit on his official bond for failure to report any false return of property mentioned in this section which he may discover or which may be otherwise discovered and made known to him, and it shall be his duty to report such fraud to the grand jury of his county.

Fraud to be reported to grand jury.

SEC. 41. *What shall be specified on tax list.*

List to state all property. Age stated with reference to poll tax. Quantity and description of land. Number and kind of live stock.

The list shall state all the property of the taxpayer, and also the age of the party, if a male, with reference to his liability to a poll tax. The list shall also contain, as of the first day of May: (1) The quantity of land owned in the township, and the land shall be described by name, if it has one; otherwise, in such a way that it may be identified. (2) The number of horses, mules, jacks and jennets, in one column; goats, cattle, hogs, and sheep, in another column. (3) Farming utensils, tools of mechanics, household and kitchen furniture, provisions, firearms, libraries and scientific instruments, specifying the articles separately. (4) Money on hand. (5) The amount of credits, including accrued interest uncollected owing to the party, whether by a person in or out of the State, whether owing by mortgage, bond, note, bill of exchange, certificate, check, open account or due and payable, whether owing by any State, or government, county, city, town or township, individual, company or corporation; the value of cotton, tobacco or other property in the hands of commission merchants or agents in or out of the State. If any credit be not regarded as entirely solvent, it should be given in at its current or market value, and the party may deduct from the amount of his credits owing to him the amount of collectible debts owing by him as principal debtor. (6) Any certificate of deposit in any bank, whether in or out of the State. (7) Money investments, stocks and bonds and shares of stock in incorporated companies which are not taxed through the corporation itself. (7½) Automobiles, pleasure boats of any or all kinds. (8) All other personal property whatever, including all cotton in seed or lint; tobacco, either in leaf or manufactured; turpentine, rosin, tar, brandy, whiskey, musical instruments, bicycles, goods, wares and merchandise of all kinds, plated and silver ware and the

Farming utensils, tools, furniture, provisions, firearms, libraries and scientific instruments. Money on hand. Credits.

Farm products or other property in hands of agents. Credits given in at current value.

Deductions.

Bank deposits. Money investments, stocks and bonds. Automobiles and pleasure boats. All other personal property.

watches and jewelry possessed by the party of any minor or child. (9) The income of the party for the twelve months next preceding the first day of May in the current year, if over one thousand dollars. (10) If the party be a nonresident of the county and owns land therein, the list shall state his address and may name an agent in the county to whom notice may be given respecting his taxes. (11) If any person shall, with a view to evade the payment of taxes, fail or refuse to give in to the assessor or assistant assessor any bonds, notes, claims or other evidences of debt which are subject to assessment and taxation under this act, the same shall not be recoverable by action at law or suit in equity before any of the courts of this State until they have been listed and the tax paid thereon. (12) The Auditor is authorized to provide a separate heading in tax-listing sheets for listing all seines, nets, boats and other fishing apparatus.

Income.

If party non-resident, list to state address and name agent.

Unlisted credits not recoverable by action.

Separate headings for seines, nets, boats and fishing apparatus.

SEC. 42. *Bank taxation.*

The taxes imposed for State purposes upon the shares of stock in any bank, banking association or savings institution (whether State or National) in this State shall be paid by the cashier of such bank, banking association or savings institution directly to the State Treasurer, and upon failure to pay the State Treasurer as aforesaid he shall institute an action against the bank, banking association or savings institution to enforce the same in the county of Wake or in the county in which the bank, banking association or savings institution is located, which action shall be prosecuted in the name of the State of North Carolina on the relation of the Treasurer of the State and which shall be tried at the return term of court: *Provided* the complaint is filed ten days before the first day of such term, and shall have precedence over all other actions. The board of commissioners of the county in which such banks, banking associations or savings institutions are located shall assess against the value of shares of residents in that county the tax imposed for school and county purposes, which shall be paid to the sheriff of that county, and shall assess against the value of shares held by nonresidents of this State in such bank, banking association or savings institution located in that county the said tax imposed for school, county and municipal purposes; and the said bank is authorized and empowered to deduct such tax from the dividends of said nonresident stockholders. The value of such shares shall be determined as is hereinafter in this section provided. Every bank, banking association or savings institution (whether State or National) shall list its real estate in the county, city or town in which such real estate is located, for the purposes of State, county and municipal taxation. Every such bank, banking association or savings institution shall, during the month of June, list annually with the Corporation Commission, in the name and for its shareholders, all the shares of its capital

Taxes on bank stock paid by cashier to State treasurer.

Treasurer to institute action for enforcement of payment.

Action tried at return term.

Proviso: time of filing complaint. Precedence of action. County and school tax on shares of residents.

County, school and municipal tax of nonresident stockholders.

Deduction of tax from dividends. Determination of value.

Banks to list real estate.

Shares listed with corporation commission.

List at actual or market value. Value of property listed to be deducted.	stock, whether held by residents or nonresidents, at its market value on the first day of May, or, if it have no market value, then at its actual value on that day, from which market or actual value shall be deducted the assessed value of the real and personal property which such bank, banking association or savings institution shall have listed for taxation in the county or counties
Ascertainment of actual value.	wherein such real and personal estate is located. The actual value of such shares, where such shares have no market value, shall be ascertained by adding together the capital stock, surplus and undivided profits and deducting therefrom the amount of real and personal property owned by said institution on which it pays tax and dividing the net amount by the number of shares
Deduction for insolvent debts.	in said institution. Insolvent debts due said institution may be deducted from the items of undivided profits or surplus, if itemized and sworn to, and forwarded to the Corporation Commission by the cashier of such institution, also, accrued and unearned interest, unpaid taxes, an amount not exceeding five (5) per cent of the bills receivable of said institution to cover any other bad or insolvent debts, and also an amount equal to the true value of any shares of stock owned in other North Carolina banks or corporations upon which the tax is paid by the owner
Examination by corporation commission.	or the corporation issuing the same. If the Corporation Commission shall have reason to believe that the market or actual value as given in is not its true value, it shall ascertain such true value by such examination and investigation as to it seems proper, and change the value as given in to such an amount
Review of action of commission.	as it ascertains the true value to be, which action on the part of the Corporation Commission may be reviewed by the Superior Court by an action brought against the Corporation Commission in its official capacity by the party aggrieved. But no action shall
No action for review until taxes paid or tendered. Sworn lists of shareholders.	lie until all taxes admitted by such aggrieved party to be due shall have been paid or tendered. In listing the shares for State taxation, such bank, banking association or savings institution shall file with the Corporation Commission of the State a statement showing the name and residence of each shareholder, the number of shares held by each and the taxable value of such shares as fixed by the provisions of this act, which statement shall be in writing and subscribed and sworn to by the president, cashier or some other officer of the bank. For the purpose of aiding the county commissioners and other municipal officers in enforcing the law as to the listing of bank shares by the individual shareholders for the purpose of county, school and municipal taxation, it shall be the duty of every bank, banking association or savings institution (whether State or National) to furnish to the board of county commissioners of each county wherein any
Lists of shareholders to be furnished to counties.	of its shareholders reside a statement showing the names of all its shareholders resident in such county, with the number of shares owned by each, and the taxable value of such shares, as-

certained from the statement hereinbefore required to be made by such bank, banking association or savings institution to the Corporation Commission of the State. It shall also be the duty of the Corporation Commission to certify to the board of county commissioners of each county wherein any of said shareholders reside a statement showing the names of all the shareholders resident in such county, with the number of shares owned by each, and the value of such shares as ascertained by the statement hereinbefore required to be made by such bank, banking association or savings institution to the Corporation Commission of the State; and it shall thereupon be the duty of the chairman and clerk of the said board of county commissioners to list said shares of stock, with the assessed value thereon, for the purposes of county, school or municipal taxation; and the tax lister for the city or town shall compute the municipal taxes thereon: *Provided*, that no city or town shall assess any bank stock at a valuation different from that affixed by the Corporation Commission. The residents of this State who are shareholders in any bank, banking association or savings institution (whether State or National) shall list the number of their respective shares in the county, city or town, precinct or village where they reside, for the purposes of county, school and municipal taxation. The shares of nonresidents of this State who are shareholders in any bank, banking association or savings institution (whether State or National) located in this State shall be listed in the county, city, town, precinct or village in which such bank, banking association or savings institution is located, for the purposes of county, school and municipal taxation. All shares, whether owned by residents or nonresidents, shall be listed at the time prescribed for listing taxes. The county commissioners, assistant assessors and other county and municipal officers shall have the same power to enforce the listing of shares of stock in any such bank, banking association or savings institution, whether held by residents or nonresidents, as they have for enforcing the listing of other personal property. The taxation of shares of any such bank, banking association or savings institution shall not be a greater rate than is assessed upon other moneyed capital in the hands of individual citizens of this State, whether such taxation is for State, county, school or municipal purposes.

SEC. 43. *Reports from corporations.*

Hereafter, except in the case of such corporations as are especially mentioned by name in other sections of this or the Revenue Act and required to make statements in other forms, it shall be the duty of the president, chairman or treasurer of every corporation having capital stock, every joint-stock association or limited partnership whatsoever, now or hereafter organized or incorpo-

Corporation commission to certify shareholders to counties.

Shares listed for county, school and municipal taxes.

Computation of municipal tax. *Proviso*: value fixed by corporation commission. Resident shareholders to list stock where resident.

Shares of nonresidents to be listed where bank is located.

Time of listing shares. Powers of officers for enforcement of listing.

Rate of tax on bank shares.

Corporations to report to corporation commission.

Report to state:	rated by or under any law of this State, to make a report, in writing, to the Corporation Commission on or before the first day of July of each year, stating specifically:
Authorized capital.	First. Total authorized capital stock.
Number of shares.	Second. Total authorized number of shares.
Number of shares issued.	Third. Number of shares of stock issued.
Par value of shares.	Fourth. Par value of each share.
Capital paid in.	Fifth. Amount paid into the treasury on each share.
Amount on which dividend was declared.	Sixth. Amount of capital stock paid in.
Date of each dividend.	Seventh. Amount of capital on which dividend was declared.
Amount of each dividend.	Eighth. Date of each dividend during said year ending with the first day of May.
Highest sale price between 1st and 15th of April.	Ninth. Amount of each dividend during the year ending with the first Monday in said month.
Highest sale price for year.	Tenth. Highest price of sales of stock between the first and fifteenth days of April, highest price of sales of stock during the year aforesaid; average price of sales of stock during the year.
Average sale price for year.	And in said report one of the following-named officers of such corporation, limited partnership or joint-stock association, namely, the president, chairman, secretary or treasurer, after being duly sworn or affirmed to do and perform the same with fidelity and according to the best of his knowledge and belief, shall estimate and appraise the capital stock of said company at its actual value in cash on the first day of May, after deducting therefrom the assessed value of all real and personal estate upon which the corporation pays tax, and the value of the shares of stock legally held and owned by such corporation in other corporations incorporated in this State and paying taxes on its capital stock in this State, as indicated or measured by the amount of profit made, either declared in dividends or carried into surplus or sinking fund; and when the same shall have been so truly estimated and appraised they shall forthwith forward to the Corporation Commission a certificate thereof, accompanied by a copy of their said oath or affirmation, signed by them and attested by a magistrate or other person duly qualified to administer the same: <i>Provided</i> , that if the Corporation Commission or either of them is not satisfied with the appraisal and valuation so made and returned, they are hereby authorized and empowered to make a valuation thereof, based upon the facts contained in the report herein required or upon any information within their possession, and to settle an account on the valuation so made by them for taxes, penalties and interest due the State thereon, of which such settlement immediate notice shall be given to such corporation by said Corporation Commission, with the right to the company dissatisfied with any settlement so made against it to appeal to the Superior Court in term-time of the county in which such company has its principal place of business in this State, and thence to the Supreme Court of this State; but before such company shall be
Sworn appraisal of value of stock.	
Certificate to corporation commission.	
Proviso: valuation by corporation commission.	
Settlement of account on valuation.	
Notice of settlement.	
Right of appeal.	
Corporation to file exceptions with commission.	

allowed to exercise the right of appeal it shall, within twenty days after notice of such settlement, file with the Corporation Commission exceptions to the particulars to which it objects, and the grounds thereof, and said Corporation Commission shall hear said exceptions, after ten days' notice of such hearing given by said Corporation Commission to said company; and if they shall overrule any one of said exceptions, then such company, if it desires to appeal to said Superior Court, shall within ten days thereafter give notice to said Corporation Commission of such appeal to said Superior Court, and the Corporation Commission shall thereupon transmit to said Superior Court a record of said settlement, with the exceptions of the company thereto, and all decisions thereon and all papers and evidence considered in making said decision. The said cause shall be placed on the civil docket of said Superior Court and shall have precedence of all other civil actions and shall be tried under the same rules and regulations as are prescribed for the trial of other civil causes. The cause shall be entitled State of North Carolina on the relation of Corporation Commission against such company. Either party may appeal to the Supreme Court from the judgment of the Superior Court, under the same rules and regulations as are prescribed by law for other appeals, except that the State of North Carolina, if it shall appeal, shall not be required to give an undertaking or make any deposit to secure the costs of such appeal; and the Supreme Court may advance the cause on their docket so as to give the same a speedy hearing; and in the event of the neglect or refusal of the officers of any corporation, company, joint-stock association or limited partnership for a period of sixty days to make the report and appraisalment to the Corporation Commission as herein provided, it shall be the duty of the Corporation Commission to estimate a valuation of the capital stock of such defaulting corporation, company, joint-stock association or limited partnership, and settle an account for taxes, penalty and interest thereon, from which settlement an appeal may be made to the Superior Court of the county in which the corporation has its principal place of business. Corporations, limited partnerships or joint-stock associations liable to tax on capital stock shall not be required to make any report or pay any further State tax on the mortgages, bonds, other securities and credits owned by them in their own right. The Corporation Commission is forbidden to divulge or make public any report of a corporation required to be made to it by this section. The Corporation Commission shall prepare and keep a record book, upon which it shall enter a correct list of all the corporations and banks which it has assessed for taxation, and said record shall show the assessed valuation placed upon same by it.

Corporation commission to hear exceptions.
Notice of hearing.

Notice of appeal.

Record on appeal.

Cause to be docketed and to have preference.

Entitlement of cause.

Appeal to supreme court.

Advancement of cause.

Valuation by commission on neglect or refusal of corporation.

Right of appeal.

Corporations liable to tax on stock not required to list credits.

Reports not made public.

Record book.

SEC. 44. *Tax on building and loan associations.*

Shares to be listed with corporation commission at actual value.

The secretary of each building and loan association organized and conducting business in this State shall list for taxation with the Corporation Commission on the first Monday in June of each year the shares of stock of such association at their actual value as shown by the books of said association on the first day of May.

Deductions.

They shall deduct from such valuation the actual shares upon which said association has made loans and which have been pledged to such association as security therefor. But it is expressly provided

Actual value to be shown.

that the secretary of each association shall show in detail, or by series on the tax list, the actual value of all shares, and also the actual value of shares upon which loans have been made and which

Secretary to pay tax on shares.

have been pledged to the association as security therefor. The secretary of such association shall pay to the State Treasurer each year the State tax, and to the sheriff or tax collector of such county in which such association is located the county and school tax. No other tax or assessment shall be charged or levied on said association or the shares therein.

SEC. 45. *No exceptions as to foreign corporations.*

Property of foreign corporations not exempted.

Nothing in this act shall be construed to exempt from taxation at its real value any property situate in this State belonging to any foreign corporation.

SEC. 46. *Penalty for failure to furnish reports.*

Penalty for failure to report.

If the said officers of any such limited partnership, joint-stock association or corporation shall neglect or refuse to furnish the Corporation Commission on or before the first day of July of each and every year, with the report and appraisalment of capital stock as aforesaid, as required by the forty-third section of this act, they shall be subject to a fine of fifty dollars, and it shall be the duty of the Corporation Commission to add five per centum to the tax of said limited partnership, joint-stock association or corporation for each and every year for which said report and appraisalment were not furnished, which percentage shall be settled and collected with the said tax in the usual manner of settling and collecting such taxes. If the officers of any such limited partnership, joint-stock association or corporation, or any of them, shall intentionally fail to comply with the forty-third section of this act for three successive years, he or they shall be deemed guilty of a misdemeanor, and on conviction thereof shall be sentenced to pay a fine of five hundred dollars and undergo imprisonment not exceeding one year, or both, or either, at the discretion of the court.

Five per cent added to tax.

Continued failure a misdemeanor.

Punishment.

SEC. 47. *Foreign building and loan associations.*

Stock held by residents in foreign associations.

All foreign building and loan associations doing business in this State shall list for taxation with the Corporation Commission, through its agent, its stock held by citizens of this State in the

county, city or town where the owners of said stock reside. In listing said stock for taxation the withdrawal value as fixed by the by-laws of each company shall be furnished by the list-taker, and the stock shall be valued for taxation as other money investments of citizens of this State. Any association or officer of said association doing business in this State who shall fail or refuse to so list shares owned by citizens of this State for taxation shall be barred from doing business in this State; and any local officer or person who shall collect dues, assessments, premiums, fines or interest from any citizen of this State for any such association which has failed or refused to list for taxation the stock held by citizens of this State shall be guilty of a misdemeanor and subject to fine or imprisonment, or both, in the discretion of the court. All of said taxes shall be paid by the association listing said stock.

Withdrawal value furnished.

Basis of valuation.
Association barred for failure to list.

Local officer transacting business guilty of misdemeanor.

Punishment.

Tax paid by association.

SEC. 48. *Telegraph companies.*

Every joint-stock association, company, copartnership or corporation, whether incorporated under the laws of this State or any other State or of any foreign nation, engaged in transmitting to, from, through, in or across the State of North Carolina telegraph messages shall be deemed and held to be a telegraph company; and every such telegraph company shall, annually, between the first day of June and the twentieth day of June, make out and deliver to the Board of Corporation Commissioners of this State a statement, verified by oath of the officer or agent of such company making such statement, with reference to the thirtieth day of April next preceding, showing:

Telegraph company defined.

Sworn statements to be filed.

First. The total capital stock of such association, company, copartnership or corporation.

Total capital.

Second. The number of shares of capital stock issued and outstanding, and the par value of each share.

Number of shares outstanding and par value.

Third. Its principal place of business.

Principal office.

Fourth. The market value of said shares of stock on the thirtieth day of April next preceding; and if such shares have no market value, then the actual value thereof.

Market value.

Actual value if no market value.

Fifth. The real estate, structures, machinery, fixtures and appliances owned by said association, company, copartnership or corporation and subject to local taxation within the State, and the location and assessed value thereof in each county where the same is assessed for local taxation.

Property subject to local taxation, with location and value.

Sixth. The specific real estate, together with the permanent improvements thereon, owned by such association, company, copartnership or corporation situated outside the State of North Carolina and not directly used in the conduct of the business, with a specific description of each such piece, where located, the purpose for which the same is used and the sum at which the same is assessed for taxation in the locality where situated.

Real estate outside of State.

Seventh. All mortgages upon the whole or any part of its property, together with the dates and amounts thereof.

Mortgages on property of company.

Total length of lines.
Length of lines outside of State.
Length of lines in State by counties and townships.

Eighth. (a) The total length of the lines of said association or company; (b) the total length of such of their lines as is outside the State of North Carolina; (c) the length of the lines within each of the counties and townships within the State of North Carolina.

SEC. 49. *Telephone companies.*

Telephone companies to file sworn statement.

Every telephone company doing business in this State, whether incorporated under the laws of this State or any other State or of any foreign nation, shall, annually, between the first day of June and the twentieth day of June, make out and deliver to the Corporation Commission of this State a statement, verified by the oath of the officer or agent of such company making such statement, with reference to the thirtieth day of April next preceding, showing:

Total capital.

First. The total capital stock of such association, company, copartnership or corporation invested in the operation of such telephone business.

Number of shares outstanding and par value.

Second. The number of shares of capital stock issued and outstanding, and the par or face value of each share.

Principal office.

Third. Its principal place of business.

Market value of shares.
Actual value if no market value.

Fourth. The market value of said shares of stock on the thirtieth day of April next preceding; and if such shares have no market value, then the actual value thereof.

Property subject to local taxation, with location and value.

Fifth. The real estate, structures, machinery, fixtures and appliances owned by said association, company, copartnership or corporation and subject to local taxation within the State, and the location and assessed value thereof in each county where the same is assessed for local taxation.

Real property outside of State.

Sixth. The specific real estate, together with the permanent improvements thereon owned by such association, company, copartnership or corporation situated outside the State of North Carolina and not used directly in the conduct of the business, with a specific description of each such piece, where located, the purpose for which the same is used and the sum at which the same is assessed for taxation in the locality where situated.

Mortgages on property of company.

Seventh. All mortgages upon the whole or any of its property, together with the dates and amounts thereof.

Total length of lines.
Total length of lines outside the State.
Length of lines in State by counties and townships.

Eighth. (a) The total length of the lines of said association or company; (b) the total length of so much of their lines as is outside the State of North Carolina; (c) the length of the lines within each of the counties and townships within the State of North Carolina.

SEC. 50. *Express companies.*

Express companies defined.

Every joint-stock association, company, copartnership or corporation, incorporated or acting under the laws of this State or any other State or any foreign nation, engaged in carrying to,

from, through, in or across this State, or any part thereof, money, packages, gold, silver plate, merchandise, freight or other articles, under any contract, expressed or implied, with any railroad company or the managers, lessees, agents or receivers thereof (provided such joint-stock association, company, copartnership or corporation is not a railroad company), shall be deemed and held to be an express company within the meaning of this act; and every such express company shall, annually, between the first day of June and the twentieth day of June, make out and deliver to the Corporation Commission of this State a statement, verified by the oath of the officer or agent of such association, company, copartnership or corporation making such statement, with reference to the thirtieth day of April next preceding, showing:

Sworn statement to be filed.

First. The total capital stock or capital of said association, copartnership or corporation.

Total capital.

Second. The number of shares of capital stock issued and outstanding and the par or face value of each share; and in case no shares of capital stock are issued, in what manner the capital stock thereof is divided and in what manner such holdings are evidenced.

Number of shares outstanding and par value.
Division of capital if no shares issued.

Third. Its principal place of business.

Principal office.

Fourth. The market value of said shares of stock on the thirtieth day of April next preceding; and if such shares have no market value, then the actual value thereof; and in case no shares of stock have been issued, state the market value, or the actual value in case there is no market value, of the capital thereof, and the manner in which the same is divided.

Market value of shares.
Actual value if no market value.
Value of capital if no shares issued.

Fifth. The real estate, structures, machinery, fixtures and appliances owned by the said association, company, copartnership or corporation and subject to local taxation within the State of North Carolina, and the location and assessed value thereof in each county where the same is assessed for local taxation.

Property subject to local taxation, with location and value.

Sixth. The specific real estate, together with the improvements thereon, owned by the association, company, copartnership or corporation situated outside the State of North Carolina and not used directly in the conduct of the business, with a specific description of each such piece, where located, the purpose for which the same is used, and the sum at which the same is assessed for taxation in the locality where situated.

Real estate outside of State.

Seventh. All mortgages upon the whole or any part of its property, together with the dates and amounts thereof.

Mortgages on property of company.

Eighth. (a) Total length of the line or routes over which such association, company, copartnership or corporation transports such merchandise, freight or express matter; (b) the total length of such lines or routes as are outside the State of North Carolina; (c) the length of such lines or routes within each of the counties or townships within the State of North Carolina.

Total mileage used by company.

Mileage outside this State.

Mileage within State by counties and townships.

SEC. 51. *Sleeping-car companies.*

Sleeping-car companies defined.

Every joint-stock association, company, copartnership or corporation incorporated or acting under the laws of this or any other State or of any foreign nation and conveying to, from, through, in or across this State, or any part thereof, passengers or travelers in palace cars, drawing-room cars, sleeping cars, dining cars or chair cars, under any contract, expressed or implied, with any railroad company or the managers, lessees, agents or receivers thereof, shall be deemed and held to be a sleeping-car company for the purpose of this act, and shall hereinafter be called "sleeping-car company"; and every such sleeping-car company doing business in this State shall, annually, between the first day of June and the twentieth day of June, make out and deliver to the Board of Corporation Commissioners of this State a statement, verified by the oath of the officer or agent of such company making such statement, with reference to the thirtieth day of April next preceding, showing:

Sworn statement to be filed.

Total capital.

First. The total capital stock of such sleeping-car company invested in its sleeping-car business.

Number of shares outstanding and par value.

Second. The number of shares of such capital stock devoted to the sleeping-car business issued and outstanding, and the par or face value of each share.

In what State incorporated.
Principal office.
Name and address of president and secretary.

Third. Under the laws of what State it is incorporated.

Fourth. Its principal place of business.

Fifth. The names and post-office addresses of its president and secretary.

Actual value of shares.

Sixth. The actual cash value of the shares of such capital stock devoted to its sleeping-car business on the thirtieth day of April next preceding such report.

Property subject to local tax, with location and value.

Seventh. The real estate, structures, machinery, fixtures and appliances owned by said sleeping-car company and subject to local taxation within this State, and the location and assessed value thereof in each county within this State where the same is assessed for local taxation.

Mortgages on property of company.

Eighth. All mortgages upon the whole or any part of its property, and the amounts thereof devoted to its sleeping-car business.

Total mileage used.
Mileage used outside State.

Ninth. (a) The total length of the main lines of railroad over which cars are run; (b) the total length of so much of the main lines of railroad over which the said cars are run outside of the State of North Carolina; (c) the length of the lines of railroad over which said cars are run within the State of North Carolina:

Mileage used within State.

Provided, that where the railroads over which said cars run have double tracks or a greater number of tracks than a single track the statement shall only give the mileage as though such tracks were but single tracks; and in case it shall be required, such statement shall show in detail the number of miles of each or any particular railroad or system within this State. When the assess-

Proviso: double-track roads.

Statement in detail required.

ment shall have been made by the Corporation Commission in accordance with section forty-eight of this act, the clerk of the Commission shall thereupon notify by registered letter the officer attesting such report of the amount assessed against it, and such sleeping-car company shall have thirty days within which to appear and make objection, if any it shall have, to said assessment. If no objections be made within said thirty days, the amount shall be credited to the State Treasurer, who shall thereupon send by registered letter to the officer attesting such report a bill for the State taxes upon said assessment, and such sleeping-car company shall have thirty days within which to pay said taxes; and the clerk of the Corporation Commission shall certify to the county commissioners of the several counties through which such cars are used the value of the property of such sleeping-car company within such county in the proportion that the number of miles of railroad over which such cars are used in said county bears to the number of miles of railroad over which such cars are used within the State, together with the name and post-office address of the officer attesting such report of such sleeping-car company, with the information that tax bills, when assessed, are to be sent him by mail; and such value, so certified, shall be assessed and taxed the same as other property within said county. And when the assessment shall have been made in such county, the sheriff or county tax collector shall send to the address given by the clerk of the Corporation Commission to the county commissioners by registered mail a bill for the total amount of all taxes due to such county, and such sheriff or county tax collector shall add to such tax bills the postage and registration fee, and such sleeping-car company shall have sixty days thereafter within which to pay said taxes; and upon failure of and refusal to do so, such taxes shall be collected the same as other delinquent taxes are, together with a penalty of fifty per cent added thereto, and costs of collection.

Notice to company of assessment.
Time for filing objections.

Bill for State taxes.

Assessments certified to counties.

Assessment for county taxes.
Bill for county taxes.

Time for payment.

Penalty for failure to pay.

Sec. 52. *Refrigerator and freight car companies.*

Every firm, person or corporation owning refrigerator or freight cars operated over or leased to any railroad company in this State or operating in this State shall be taxed in the same manner as hereinbefore provided for the taxation of sleeping-car companies, and the collection of the tax thereon shall be followed in assessing and collecting the tax on the refrigerator and freight cars taxed under this section: *Provided*, if it appear that the owner does not lease the cars to any railroad company or make any contract to furnish it with cars, but they are furnished to be run indiscriminately over any lines on which shippers or railroad companies may desire to send them, and the owner receives compensation from each road over which the cars run, the Board of Corporation Commissioners shall ascertain and assess the value

Refrigerator and freight car companies taxed as sleeping-car companies.

Proviso: assessment where cars not leased.

of the average number of cars which are in use within the State as a part of the necessary equipment of any railroad company for the year ending April thirtieth next preceding, and the tax shall be computed upon this assessment.

Street railway companies and other companies exercising right of eminent domain. Sworn statement to be made.

SEC. 53. Every street railway company, waterworks company, electric light and power company, gas company, ferry company, bridge company, canal company, and other corporations exercising the right of eminent domain shall, annually, between the first and twentieth of June, make out and deliver to the Board of Corporation Commissioners of this State a statement, verified by the oath of the officer or agent of such company making such statement, with reference to the thirtieth day of April next preceding, showing:

Total capital.

First. The total capital stock of such association, company, copartnership or corporation.

Number of shares outstanding and par value.

Second. The number of shares of capital stock issued and outstanding, and the par or face value of each share.

Principal office.

Third. Its principal place of business.

Value of shares.

Fourth. The market value of said shares of stock on the thirty-first day of March next preceding; and if such shares have no market value, then the actual value thereof.

Property subject to local taxation, with location and value.

Fifth. The real estate, structures, machinery, fixtures and appliances owned by said association, company, copartnership or corporation and subject to local taxation within the State, and the location and assessed value thereof in each county where the same is assessed for local taxation.

Real estate outside of State.

Sixth. The specific real estate, together with the permanent improvements thereon, owned by such association, company, copartnership or corporation situate outside of the State of North Carolina and not directly used in the conduct of the business, with a specific description of each such piece, where located, the purpose for which the same is used and the sum at which the same is assessed for taxation in the locality where situate.

Mortgages on property of company.

Seventh. All mortgages upon the whole or any part of its property, together with the dates and amounts thereof.

Total length of lines.
Length of lines outside of State.
Length of lines within State by counties and townships.

Eighth. (a) The total length of the lines of said association or company; (b) the total length of so much of their lines as is outside of the State of North Carolina; (c) the length of the lines within each of the counties and townships within the State of North Carolina.

SEC. 54. *Board of Corporation Commissioners may require additional information.*

Corporation commission may require other and further statements.

Upon the filing of the statements required in the preceding sections the Board of Corporation Commissioners shall examine them and each of them; and if the commissioners shall deem the same insufficient, or in case they shall deem that other information is requisite, they shall require such officer to make such other and

further statements as said commissioners may call for. In case of the failure or refusal of any association, company, copartnership or corporation to make out and deliver to the Board of Corporation Commissioners any statement or statements required by this act, such association, company, copartnership or corporation shall forfeit and pay to the State of North Carolina one hundred dollars (\$100) for each additional day such report is delayed beyond the twentieth day of June, to be sued for and recovered in any proper form of action in the name of the State of North Carolina on the relation of the Corporation Commission, and such penalty, when collected, shall be paid into the general fund of the State.

Forfeit for failure or refusal.

SEC. 55. *Corporation Commission shall examine statements.*

The Corporation Commissioners shall thereupon value and assess the property of each association, company, copartnership or corporation in the manner hereinafter set forth, after examining such statements and after ascertaining the value of such properties therefrom, and upon such other information as they may have or obtain. For that purpose they may require the agents or officers of said association, company, copartnership or corporation to appear before them with such books, papers and statements as they may require, or they may require additional statements to be made to them, and may compel the attendance of witnesses in case they shall deem it necessary to enable them to ascertain the true cash value of such property.

Corporation commission to value and assess property.

Powers of corporation commission.

SEC. 56. *Manner of assessment.*

Said Corporation Commission shall first ascertain the true cash value of the entire property owned by the said association, company, copartnership or corporation from said statements or otherwise for that purpose, taking the aggregate value of all the shares of capital stock, in case shares have a market value, and in case they have none, taking the actual value thereof or of the capital of said association, company, copartnership or corporation in whatever manner the same is divided, in case no shares of capital stock have been issued: *Provided, however,* that in case the whole or any portion of the property of such association, company, copartnership or corporation shall be encumbered by a mortgage or mortgages, such board shall ascertain the true cash value of such property by adding to the market value of the aggregate shares of stock or to the value of the capital. In case there should be no such shares, the aggregate amounts of such mortgage or mortgages and the result shall be deemed and treated as the true cash value of the property of such association, company, copartnership or corporation. Such Board of Corporation Commissioners shall, for the purpose of ascertaining the true cash value of the property within the State of North Carolina, next ascertain from such statements or otherwise the assessed value for taxation, in the

Corporation commission to ascertain values.

Method of ascertainment.

Proviso: amount of mortgages added.

Local assessments as guides to value.

Proportionate value.

Telegraph and telephone companies.

Express and sleeping-car companies.

Corporation commission to assess property subject to local taxation. Assessment certified to local authorities.

Property subject to local taxation deducted from total value.

Assessment of value per mile. Method of assessment.

localities where the same is situated, of the several pieces of real estate situated within the State of North Carolina and not specifically used in the general business of such associations, companies, copartnerships or corporations, which said assessed value for taxation shall be by said board deducted from the gross value of the property as above ascertained. Said State Board of Corporation Commissioners shall next ascertain and assess the true cash value of the property of the associations, companies, copartnerships or corporations within the State of North Carolina by taking as a guide, as far as practicable, the proportion of the whole aggregate value of said associations, companies, copartnerships or corporations as above ascertained, after deducting the assessed value of such real estate without the State which the length of lines of said associations, companies, copartnerships or corporations, in the case of telegraph and telephone companies within the State of North Carolina, bears to the total length thereof, and in the case of express companies and sleeping-car companies the proportion shall be the proportion of the whole aggregate value, after such deduction, which the length of the lines or routes within the State of North Carolina bears to the whole length of lines or routes of such associations, companies, copartnerships or corporations, and such amount so ascertained shall be deemed and held as the entire value of the property of said associations, companies, copartnerships or corporations within the State of North Carolina. The Corporation Commission shall also assess the value for taxation of all real estate, structures, machinery and appliances of telegraph and telephone companies within the State subject to local taxation, and this local assessment of telegraph companies, together with the franchise value, shall be certified by the Commission to the counties and municipalities where located on basis of wire mileage in such county or town in which such property is situated. From the entire value of the property within the State so ascertained there shall be deducted by the commissioners the assessed value for taxation of all real estate, structures, machinery and appliances within the State and subject to local taxation in the counties as hereinbefore described in sections forty-nine, fifty and fifty-three of this act, and the residue of such value so ascertained, after deducting therefrom the assessed value of such local properties, shall be by said board assessed to said association.

SEC. 57. *Value per mile.*

Said Corporation Commission shall thereupon ascertain the value per mile of the property within the State by dividing the total value as above ascertained, after deducting the specific properties locally assessed within the State by the number of miles within the State, and the result shall be deemed and held as value per mile of the property of such association, company, copartnership or corporation within the State of North Carolina.

SEC. 58. *Total value for each county.*

Said Corporation Commission shall thereupon, for the purpose of determining what amount shall be assessed by it to said association, company, copartnership or corporation in each county in the State, through, across and into or over which the line of said association, company, copartnership or corporation extends, multiply the value per mile, as above ascertained, by the number of miles in each such counties as reported in said statements or as otherwise ascertained, and the result thereof shall be by the clerk of said board certified to the chairman of the board of county commissioners, respectively, of the several counties through, into, over or across which the lines or routes of said association, company, copartnership or corporation extends. All taxes due the State from any corporation taxed under the preceding sections, except the tax paid for school purposes, shall be paid by the treasurer of each company direct to the State Treasurer.

Assessment apportioned to counties.

Valuation certified to county commissioners.

State taxes to be paid to treasurer.

SEC. 59. *Companies failing to pay tax.*

In case any such association, company, copartnership or corporation as named in this act shall fail or refuse to pay any taxes assessed against it in any county in this State, in addition to other remedies provided by law for the collection of taxes, an action may be prosecuted in the name of the State of North Carolina by the solicitors of the different judicial districts of the State on the relation of the county commissioners of the different counties of this State, and the judgment in the said action shall include a penalty of fifty per cent of the amount of taxes as assessed and unpaid, together with reasonable attorneys' fees for the institution of such action, which action may be prosecuted in any county into, through, over or across which the line or routes of any association, company, copartnership or corporation shall extend, or in any county where such association, company, copartnership or corporation shall have an office or agent for the transaction of business. In case such association, company, copartnership or corporation shall have refused to pay the whole of the taxes assessed against the same by the Corporation Commission, or in case such association, company, copartnership or corporation shall have refused to pay the taxes or any portion thereof assessed to it in any particular county or counties, such action may include the whole or any portion of the taxes so unpaid in any county or counties; but the Attorney-General may, at his option, unite in one action the entire amount of the tax due, or may bring separate actions to each separate county or adjoining counties, as he may prefer. All collections of taxes for or on account of any particular county made in any such suit or suits shall be by said board accounted for as a credit to the respective counties for or on account of which such collections were made by the said board at the next ensuing settlement with such county, but the penalty

Action for enforcement of payment on failure or refusal.

Action to be prosecuted by solicitors.

Judgment to include penalty and attorneys' fees.

Where suit may be brought.

Actions for part or all of tax.

Attorney-general may unite actions.

County taxes credited to county.

Penalties to use of State.

so collected shall be credited to the general fund of the State; and upon such settlement being made, the treasurers of the several counties shall at their next settlements enter credits upon the proper duplicates in their offices, and at the next settlement with such county report the amount so received by him in his settlement with the State, and proper entries shall be made with reference thereto: *Provided*, that in any such action the amount of assessment fixed by said Corporation Commission and apportioned to such county shall not be controverted.

Proviso: assessment and apportionment not to be controverted.

SEC. 60. *Railroads.*

Corporation commission appraisers and assessors for railroad and other companies.

The commissioners selected from time to time under authority to establish the North Carolina Corporation Commission shall constitute a board of appraisers and assessors for railroad, canal and steamboat companies and other companies exercising the right of eminent domain.

SEC. 61. *Railroads.*

Sworn returns to be made.

The president, secretary, superintendent or other principal accounting officers, within this State, of every railroad, whether incorporated by the laws of this State or not, shall, at such dates as real estate is required to be assessed for taxation, return to the said Commission for assessment and taxation, verified by the oath or affirmation of the officer making the return, all the following-described property belonging to such corporation within this State, viz.: The number of miles of such railroad lines in each county in this State and the total number of miles in this State, including the roadbed, right of way and superstructures thereon, main and side tracks, depot buildings and depot grounds, section and tool houses and the land upon which situated and necessary to their use; water stations and land, coal chutes and land, and real estate and personal property of every character necessary for the construction and successful operation of such railroad or used in the daily operation, whether situated on the charter right of way of the railroad or on additional land acquired for this purpose, except as provided below, including, also, if desired by the Corporation Commission, Pullman or sleeping cars or refrigerator cars owned by them or operated over their lines: *Provided, however*, that all machine and repair shops, general office buildings, storehouses and contents located outside of the right of way, and also real and personal property, other than the property as returned above to the Corporation Commission, shall be listed for purposes of local taxation by the principal officers or agents of such companies with the list takers of the county where the real and personal property may be situated, in the manner provided by law for the listing and valuation of real and personal property. A list of such property shall be filed by such company with the Corporation Commission. It shall be the duty of the register of deeds, if requested so to do by the Corporation Commission, to certify and

Property to be returned.

Proviso: property listed for local taxation where located.

List filed with corporation commission. Certificate from register of deeds.

send to the said Commission a statement giving a description of the property mentioned in the foregoing proviso, and showing the assessed valuation thereof, which value shall be deducted from the total value of the property of such railroad company as arrived at by the Commission, in accordance with section sixty-three, before the apportionment is made to the counties and municipalities. The registers of deeds shall also certify to the Commission the local rate of taxation for county purposes as soon as the same shall be determined, and such other information obtained in the course of the performance of the duties of their office as the said Commission shall require of them; and the mayor of each city or town shall cause to be sent to the said Commission the local rate of taxation for municipal purposes: *Provided*, that coal chutes and supplies of coal on hand without the limit of the right of way of railroads shall be listed and assessed as other taxable property of the city, town or county is assessed with the local assessors.

Certificate of local tax rate.

Certificate of municipal tax rate.

Proviso: coal chutes and supplies of coal on hand.

Sec. 62. *Railroads.*

The movable property belonging to a railroad company shall be denominated for the purposes of taxation "rolling stock." Every person, company or corporation owning, constructing or operating a railroad in this State shall, in the month of May, annually, return a list or schedule to the Corporation Commission, which shall contain a correct detailed inventory of all the rolling stock belonging to such company, and which shall distinctly set forth the number of locomotives of all classes, passenger cars of all classes, sleeping cars and dining cars, express cars, horse cars, cattle cars, coal cars, platform cars, wrecking cars, pay cars, hand cars and all other kinds of cars, and the value thereof, and a statement or schedule, as follows: (1) the amount of capital stock authorized and the number of shares into which such capital is divided; (2) the amount of capital stock paid up; (3) the market value, or, if no market value, then the actual value of shares of stock; (4) the length of line operated in each county and total in the State; (5) the total assessed value of all tangible property in the State; (6) and, if desired, all the information heretofore required to be annually reported by section five thousand two hundred and ninety-one of the Revisal. Such schedule shall be made in conformity to such instructions and forms as may be prescribed by the Commission, and with reference to amounts and values on the first day of May of the year of which the return is made.

Rolling stock defined.

Inventory of rolling stock.

Amount of capital and number of shares.
Paid-up capital.
Value of shares.

Mileage in each county and in State.
Assessed value of tangible property.
Other information.
Instructions and forms.

Sec. 63. *Tangible and intangible property assessed separately.*

(a) At such dates as real estate is required to be assessed for taxation, the said Commission shall first determine the value of the tangible property of each division or branch of such railroad, of rolling stock and all other physical or tangible property. This value shall be determined by a due consideration of the actual

Valuation of tangible property.

Method of valuation.

cost of replacing the property, with a just allowance for depreciation on rolling stock, and also of other conditions, to be considered as in the case of private property.

(b) They shall then assess the value of the franchise, which shall be determined by due consideration of the gross earnings as compared with the operating expenses, and particularly by consideration of the value placed upon the whole property by the public (the value of the physical property being deducted), as evidenced by the market value of all capital stock, certificates of indebtedness, bonds or any other securities, the value of which is based upon the earning capacity of the property.

(c) The aggregate value of the physical or tangible property and the franchise as thus determined shall be the true value of the property for the purpose of an *ad valorem* taxation, and shall be apportioned in the same proportion that the length of such road in each county bears to the entire length of such division or branch thereof; and the Corporation Commission shall certify, on or before the fifteenth day of September, to the chairman of the county commissioners and the mayor of each city or incorporated town the amount apportioned to his county, city or town; and the said Commission shall make and forward a like certificate to the Auditor of the State. All taxes due the State from any railroad company, except the tax imposed for school purposes, shall be paid by the treasurer of each company directly to the State Treasurer; and upon failure to pay the State Treasurer as aforesaid, he shall institute an action to enforce the same in the county of Wake or any other county in which such railroad is located, adding thereto twenty-five per centum of the tax. The board of county commissioners of each county through which said railroad passes shall assess against the same only the tax imposed by the State for school purposes and those imposed for county purposes.

SEC. 64. *Railroads.*

When any railroad has part of its road in this State and part thereof in any other State, the said Commission shall ascertain the value of railroad track, rolling stock and all other property liable to assessment by the Corporation Commission of such company as provided in the next preceding section, and divide it in the proportion to the length such main line of road in this State bears to the whole length of such main line of road, and determine the value in this State accordingly. On or after the first Monday in July, the said Commission shall give a hearing to all the companies interested touching the valuation and assessment of their property. The said Commission may, if they see fit, require all argument and communications to be presented in writing.

SEC. 65. *Railroads.*

If the property of any railroad company be leased or operated by any other corporation, foreign or domestic, the property of the

Valuation of franchise. Mode of valuation.

Value for taxation.

Apportionment to counties.

Certificate to counties.

Certificate to auditor.

State taxes paid to treasurer.

Action to enforce payment.

Penalty. Taxes assessed by counties.

Proportionate assessment of railroad partly outside the State.

Hearing to companies.

Argument and communications in writing.

Taxes on leased railroads.

lessor or company whose property is operated shall be subject to taxation in the manner hereinbefore directed; and if the lessee or operating company, being a foreign corporation, be the owner or possessor of any property in this State other than which it derives from the lessor or company whose property is operated, it shall be assessed in respect to such property in like manner as any domestic railroad.

Other property of lessee company.

SEC. 66. *Railroads.*

The Corporation Commission shall have power to summon and examine witnesses and require that books and papers shall be presented to them for the purpose of obtaining such information as may be necessary to aid in determining the valuation of any railroad company. Any president, secretary, receiver or accounting officer, servant or agent of any railroad or steamboat company having any portion of its property or roadway in this State who shall refuse to attend before the said Commission when required to do so, or refuse to submit to the inspection of said commissioners any books or papers of such railroad company in his possession, custody or control, or shall refuse to answer such questions as may be put to him by said Commission, or order, touching the business or property, moneys and credits, and the value thereof, of said railroad company, shall be guilty of a misdemeanor, and on conviction thereof before any court of competent jurisdiction shall be confined in the jail of the county not exceeding thirty days and shall be fined in any sum not exceeding five hundred dollars and costs; and any president, secretary, accounting officer, servant or agent aforesaid, so refusing as aforesaid shall be deemed guilty of contempt of such Commission, and may be confined, by order of said Commission, in the jail of the proper county until he shall comply with such order and pay the cost of his imprisonment.

Powers of corporation commission in obtaining information.

Refusal to attend or to produce books and papers or to answer questions a misdemeanor.

Punishment.

Punishment as for contempt.

SEC. 67. *Corporation Commission to certify, etc.; when tax payable.*

The Corporation Commission shall, upon the completion of the assessments as directed in the preceding sections, certify an itemized list of the names of the various corporations assessed, together with the valuations assessed against each, to the Auditor of the State, and it shall be the duty of the Auditor to cause the State and pension tax levy to be computed thereon against each corporation so certified, and to furnish the State Treasurer with same for collection, and said list shall be a charge against the State Treasurer. All such taxes due the State shall be paid by the secretary or treasurer of any such corporation direct to the State Treasurer within thirty days after receipt of bill from the Treasurer of taxes due. The Corporation Commission shall also certify to the register of deeds of the county the total valuation as hereinbefore determined and apportioned by the Commission, and in case of corporate excess, to the county in which the corporation

Lists of corporations and valuations to be returned to auditor. Auditor to compute tax.

Collection by treasurer. List a charge against treasurer. Taxes payable within thirty days.

Certificate of valuation and apportionment to counties.

Assessment and collection of county and school tax.

has its principal place of business, and the board of county commissioners shall assess against same the tax imposed for county and school purposes, which shall be paid to the sheriff or tax collector of the county.

SEC. 68. *Private banks and bankers.*

Banks, bankers, brokers and stock jobbers to file sworn statements.

Property on hand and in transit. Funds subject to draft. Checks and cash items.

Bills receivable and other credits.

Bonds, stocks and other securities.

All other property except real estate.

Deposits.

Accounts payable. Bonds and other securities exempt from tax.

Items listed as moneys.

Amounts deducted.

Remainder listed as credit. Securities exempt deducted.

Remainder listed as bonds and stocks.

Acting as stockbroker or private banker without license forbidden. Stockbroker defined.

Rights of stockbrokers.

Every bank (not incorporated), banker, broker or stock jobber shall, at the time fixed by this chapter for listing personal property, make out and furnish the assessor a sworn statement, showing (1) the amount of property on hand and in transit; (2) the amount of funds in the hands of other banks, bankers or brokers and subject to draft; (3) the amount of checks or other cash items, the amount thereof not being included in either of the preceding items; (4) the amount of bills receivable, discounted or purchased, and other credits due or to become due, including interest receivable and accrued, but not due, and interest due and unpaid; (5) the amount of bonds and stocks of every kind, State and county warrants, and other municipal securities and shares of capital stock or joint stock of other companies or corporations held as an investment or any way representing assets; (6) all other property appertaining to said business, other than real estate, which real estate shall be listed and assessed as other real estate is listed and assessed under this act; (7) the amount of deposits made with them by other parties; (8) the amount of all accounts payable, other than current deposit accounts; (9) the amount of bonds and other securities exempt by law from taxation, specifying the amount and the kind of each, the same being included in the preceding fifth item. The aggregate amount of the first, second and third items in said statement shall be listed as moneys. The amount of the sixth item shall be listed the same as other similar personal property is listed under this chapter. The aggregate amount of the seventh and eighth items shall be deducted from the aggregate amount of the fourth item of said statement, and the amount of the remainder, if any, shall be listed as credit. The aggregate amount of the ninth item shall be deducted by the tax lister from the aggregate amount of the fifth item of such statement, and the remainder shall be listed as bonds or stocks.

SEC. 69. *Stockbrokers and private bankers.*

No person, bank or corporation shall, without a license authorized by law, act as a stockbroker or private banker. Any person, bank or corporation that deals in coin, foreign or domestic exchange, government stock, or other certificates of debt or shares in any corporation or chartered company, banknotes or other notes used as a currency, or to sell the same or any of them on commission or for other compensation, or who negotiate loans upon real-estate securities, shall be deemed to be a stockbroker. A stockbroker shall have the right to buy for profit or to sell on commission the coin, exchange, stocks, certificates of debt, shares

in chartered companies, banknotes and notes used as currency, as aforesaid, and may sell either privately or by auction, and also negotiate loans on real-estate securities. Any person, bank or corporation engaged in the business of receiving money on deposit or in lending or advancing money, or in negotiating loans on any class of securities, or in discounting, buying or selling negotiable or other paper or credits, commonly known as stockbrokers, whether in an office for the purpose or elsewhere, shall be deemed to be a private banker, and in the latter case the tax shall be paid for the additional privilege of private banking. Any person, bank or corporation violating this section shall pay a fine of not less than one hundred nor more than five thousand dollars for each offense.

Private bankers defined.

Tax for privilege.
Fine for violation of section.

SEC. 70. *Taxpayer refusing to answer guilty of a misdemeanor; list taker and chairman board of commissioners may examine witnesses.*

If any person liable to be charged with taxes shall willfully refuse to answer any questions respecting his property, or refuse to file, sign and swear to his returns, he shall be guilty of a misdemeanor and, on conviction, liable to be punished by a fine not exceeding fifty dollars or imprisoned not exceeding thirty days, or both; and it shall be the duty of the assessor or list taker to have the offender prosecuted; and the list taker shall complete the list from the best information he can obtain. Every list taker and chairman of the board of county commissioners shall have power to send for persons and papers and to examine witnesses and administer oaths.

Refusal to answer questions or to file, sign and swear to returns a misdemeanor.
Punishment.

Assessor or list taker to prosecute.

Power to send for persons and papers, examine witnesses and administer oaths.

SEC. 71. *What property exempt.*

The following real estate, and no other, shall be exempt from taxation, State and local:

(1) Real estate directly or indirectly owned by the United States or this State, however held, and real estate lawfully owned and held by counties, cities, towns or school districts, used wholly and exclusively for public and school purposes, and all property used exclusively for educational purposes.

Exempted real estate.
Property owned by the United States or this State or any subdivision of the State.

(2) Such property as may be set apart for graveyards or burial lots, except such as is held for the purpose of speculating in the sale thereof.

Used exclusively for educational purposes.
Graveyards and burial lots.

(3) Buildings, with the land they actually occupy, lawfully owned and held by churches or religious bodies and wholly and exclusively used for religious worship or for the residence of the minister of any such church or religious body, together with the additional adjacent land reasonably necessary for the convenient use of any such building. The occasional leasing such buildings for schools, public lectures or concerts or the leasing of such parsonages shall not render them liable to taxation.

Property of churches and religious bodies.

Property wholly devoted to educational purposes.

(4) Buildings, with the land they actually occupy, wholly devoted to educational purposes, belonging to and actually and exclusively occupied and used by churches, public libraries, incorporated colleges, academies, industrial schools, seminaries or other corporate institutions of learning, together with such additional adjacent land owned by said churches, libraries and educational institutions as may be reasonably necessary for the convenient use of such buildings, respectively, and also the buildings thereon used as residences by the officers or instructors of such educational institutions.

Property of religious and charitable associations.

(5) Real estate belonging to and actually and exclusively occupied and used by young men's Christian associations and other similar religious associations, orphan or other asylums, reformatories, hospitals and nunneries which are not conducted for profit, but purely and completely as charities.

Property of benevolent and charitable associations.

(6) Buildings, with the land they actually occupy, belonging to any benevolent or charitable association and used exclusively for lodge purposes or meeting rooms by such associations, together with such additional adjacent land as may be necessary for the convenient use of the buildings for such purposes; and also the proceeds and profits arising from rents, leases, etc., of rooms in said building, whether occupied for lodge and meeting purposes or not, when such rents, proceeds and profits are used for charitable and benevolent purposes.

Rents and profits.

(7) The property of Indians who are not citizens, except lands held by them by purchase.

Indians not citizens.

Personal property exemptions.

The following personal property, and no other, shall be exempt from taxation, State and local:

Property owned by this State or any subdivision, or by the United States.

(1) Property directly or indirectly owned by the State, however held; by the United States, in this State, however held; and property lawfully owned and held by the counties, cities, towns or school districts, used wholly and exclusively for county, city, town or public school purposes.

Furniture of building used for religious worship or residence of ministers. Ministers' private libraries.

(2) The furniture and furnishings of buildings lawfully owned and held by churches or religious bodies and wholly and exclusively used for religious worship or for the residence of the ministers of any such church or religious body or such ministers' private libraries.

Furniture, books and instruments of educational institutions.

(3) The furniture, furnishings, books and instruments contained in buildings wholly devoted to educational purposes, belonging to and actually and exclusively used by churches, public libraries, incorporated colleges, academies, industrial schools, seminaries or other incorporated institutions.

Property, including endowment fund of religious and charitable associations.

(4) Personal property, including endowment funds belonging to young men's Christian associations, and other similar religious associations, orphan or other asylums, reformatories, hospitals and nunneries which are not conducted for profit, but purely and completely as charities.

(5) The furniture and furnishings of buildings and other property belonging to any benevolent or charitable association and used for lodge purposes and meeting rooms by said associations, or when such property or the proceeds of same is used for charitable or benevolent purposes.

Furniture of lodge rooms.

(6) Wearing apparel, private libraries, kitchen and other household furniture, not exceeding in value twenty-five dollars, and also growing crops.

Wearing apparel, libraries, kitchen and household furniture.
Growing crops.

SEC. 72. *Form for assessing and listing property.*

The Auditor of the State shall prepare forms to be used in assessing and listing property for taxation by assessors. He shall transmit said forms to the clerk of the board of commissioners of each county by the fifteenth day of April, and the clerks shall deliver to the assessors the necessary number of forms for their respective use. The assessors' forms shall be furnished annually.

Auditor to prepare forms.
Time for sending forms.

Delivery to assessors.

SEC. 73. *Lists shall be completed by the second Monday in July; shall make a return of polls and property not listed.*

The assessors shall, on or before the second Monday in July in each year, return the tax list to the clerk of the board of county commissioners. They shall also return a list of taxable polls and property of the township not given in for taxation. The returns so made shall be open to the inspection of all persons interested, and the clerk shall give to any person desiring it a copy of so much thereof as relates to his property on paying a fee of ten cents.

Time for return of tax lists.

List of delinquents.
Returns open to inspection.

Copy.

Fee for copy.

SEC. 74. *Assessors to furnish list of exempt property.*

Each assistant assessor shall, when making the assessment roll for his district, enter on the blanks so furnished him, in regular order, the name of the owner, if known, and, from the best information he can obtain, a correct description of all real and personal property then exempt from taxation in his town or assessment district, together with a statement of its value, for what purpose used, and the rent, if any, obtained therefor. The list of such exempt property, when completed, on or before the first day of September, shall be delivered by the assessor to the register of deeds, who, on or before the first day of November next thereafter, shall make duplicates thereof and transmit such duplicates to the Corporation Commission and file the original in his office.

Assistant assessor to furnish lists of exempt property.

Lists furnished to corporation commission.

SEC. 75. *Equalization of values.*

The board of commissioners of each county, after notice in one newspaper or by poster put up, shall meet on the second Monday in July and revise the tax list and valuation reported to them; and it shall be the duty of the register of deeds, without additional compensation, to complete the list by computing the tax payable by each person, affixing the same opposite his name. The

County commissioners to revise list and valuation.
Meeting for revision.
Computation of tax.

Duration of meeting. board of commissioners shall sit for one day at least, and when necessary shall sit until the revision is complete, and shall hear all persons objecting to the valuation of their property or the amount of tax charged against them. They shall have power to summon and examine witnesses, and shall correct the list of the list takers as may be right and just, so that the valuation of similar property throughout the county shall be as near uniform as possible. They shall have power, after notifying the owner or agent, to raise the valuation of such property as they shall deem unreasonably low. The said board of commissioners, on tendering the prescribed oath, may take the list of any person applying to list his taxables at any meeting of the commissioners held on or before the second Monday in July, upon his paying the clerk twenty-five cents for recording the same. The board of commissioners shall ascertain the valuation of his property by the examination of witnesses or otherwise, and insert it in the abstract, and, without satisfactory excuse, they may add to the tax of the person so allowed to give in five per centum on the regular amount of his tax for that year.

Powers of commissioners.

Power to raise valuation.

Lists taken at meeting.

Fee.

Ascertainment of value.

Addition to tax.

SEC. 76. *The taxpayer may complain to board of commissioners.*

Complaints of valuation to be in writing.

Commissioners to hear evidence.

True account to be rendered.

Amount certified to auditor. Credit to sheriff. Corporation commission to correct errors.

If any person shall complain before the board of commissioners that his property, either real or personal, has been improperly valued, or that he is charged with an excessive tax, he may be required to present his claim in writing, and the board of commissioners shall hear any evidence adduced by him and shall summon and examine any witnesses necessary for a just decision of the question, including the assessors who made the valuation. If the board of commissioners shall find that he has cause for complaint they shall direct the clerk to render a true account thereof, and the account thus rendered, certified by the clerk, shall be transmitted to the Auditor, who shall credit the sheriff with the overcharge in his settlement for the year. The Board of Tax Commissioners or the Corporation Commission is also authorized to correct any errors or review any assessment made by them at any time and make such changes and correct such irregularities as will be just and proper; and the Auditor of the State and board of county commissioners shall make such changes as directed by them, to the end that such refund of taxes as is just shall be made.

SEC. 77. *Commissioners may give certificate of relief granted.*

Procedure if application for relief is after sheriff's settlement.

Record and certificate of relief.

Copy of record.

If the application for relief be made to the board of commissioners after the sheriff shall have settled the accounts with the State and county, the board of commissioners shall carefully examine the case, and, if in their opinion the applicant is entitled to relief, shall direct the clerk to record on the record book the cause of complaint, the amount which in the opinion of the board of commissioners should be refunded to the applicant. The clerk

shall make out a copy of such record, certify the same, under the seal of the board of commissioners, and deliver it to the applicant, who shall pay the clerk a fee of twenty-five cents. Such copy shall be transmitted to the Auditor of the State, who, finding the proceedings in conformity with the requirements of the order, shall issue a warrant on the Treasurer of the State for the amount of State tax specified. The treasurer shall, on presentation of such warrant, pay to the holder of the same the amount to be refunded.

Fee.
Copy transmitted to auditor.
Auditor to issue warrant.

Treasurer to pay warrant.

SEC. 78. *Sheriff may recover overpayment by error.*

If a sheriff or tax collector shall, in consequence of an error in the abstract of taxes sent to the Auditor, or otherwise, be charged with more than the true amount with which he should be chargeable, and pay the amount so charged in excess to the Treasurer of the State, the Auditor shall, upon the certificate of the board of commissioners setting forth the nature of such error, give his warrant upon the Treasurer of the State for the amount so paid in excess, and the Treasurer shall pay the same.

Sheriff to be repaid money paid on account of error.

Certificate of error.
Auditor to issue warrant.
Treasurer to pay warrant.

SEC. 79. *Commissioners to enter property escaping taxation in previous years.*

In all cases where the board of commissioners shall have omitted or in any future year shall omit to enter upon the duplicate of their county any land or town lots situated within their county subject to taxation, it shall be their duty, when they enter the same to duplicate the next succeeding year, to add to the taxes of the current year the simple taxes of each and every preceding year in which such land or town lots shall have so escaped taxation, with twenty-five per centum in addition thereto, so far back as the said lands have escaped taxation; and the Corporation Commission shall have like power to list unlisted railroad property. When no assessment has been made for the years in which said property has so escaped taxation, the board of commissioners shall be authorized to value and assess the same for those years: *Provided*, this shall not apply beyond five years. In all cases where any personal property, chose in action or any property, except land, liable to taxation, shall have been omitted or shall be omitted in any future year from the tax list by the owner or person required by law to list the same the board of commissioners shall enter the same on the duplicate of the next succeeding year and shall add to the taxes of the current year the simple taxes of such preceding year, not exceeding five years, with twenty-five per centum added thereto, in which such personal property as aforesaid shall so have escaped taxation, and the said board of commissioners shall value and assess the personal property aforesaid for those years, and are empowered to examine witnesses and to call for papers to determine the value and to ascertain the persons liable for the tax upon said personal property. The provisions

Property entered for lapsed years.

Taxes.

Additional taxes.
Corporation commission to list railroad property.
Assessment of omitted property.

Proviso: limit of power.
Personal property omitted to be entered.

Limit of power.
Additional tax.

Assessment.

Power extended to municipalities.

of this section shall extend and apply to all cities, towns and like municipal corporations having the powers under their charter to tax the property aforesaid, and the powers and duties herein imposed upon the board of commissioners of the county shall be exercised and performed by the board of commissioners or the board of aldermen, as the case may be, of the city or town or other municipal corporation.

SEC. 80. *The board of commissioners shall insert omitted property.*

Omitted property inserted.

Double tax for failure to list.

Willful failure to list a misdemeanor.

Punishment.

Names of delinquents presented to grand jury.

Changes as to real estate to be reported and noted.

The chairman of the board of commissioners shall examine the tax list from each township for the previous year and insert in said list the description and valuation of all property not given in, and shall charge all such persons with double the tax which they would otherwise be chargeable, unless satisfactory excuse therefor be rendered to the board of commissioners on or before the first Monday in October; and all persons who own property and willfully fail to list it within the time allowed, before the list taker or board of commissioners, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not more than fifty dollars or imprisoned not more than thirty days; and it shall be the duty of the board of commissioners to present to the grand jury the names of all such persons. The assessors shall report to the board of commissioners any change they may make in the tax list as to real estate, and the said board shall note such change in a book to be kept for that purpose.

SEC. 81. *Register of deeds to make out tax duplicates.*

Tax lists made out in duplicate.

Form furnished by auditor. Columns in tax list.

Copy for county commissioners. Copy for sheriff or tax collector.

Order to collect.

Force and effect of order.

Appeals noted.

The board of county commissioners shall cause the register of deeds to make out two copies of the tax list for each township, as revised and settled as hereinbefore provided, according to a form to be furnished to them by the Auditor of the State. Such form shall show in different columns the sum due by each taxpayer to the State and to the county, and also in separate columns the amount of school poll tax levied by the General Assembly and the county commissioners, and the total amount of property school tax levied by the General Assembly and the county commissioners. One of said copies shall remain in the office of the clerk of the board of county commissioners; the other shall be delivered to the sheriff or tax collector on or before the first Monday in October in each year, and he shall receipt for the same. The clerk shall indorse on the copy given the sheriff an order to collect the taxes therein mentioned, and such order shall have the force and effect of a judgment and execution against the real and personal property of the person charged with such list. In such list the clerk shall note all appeals from the judgment of the board of commissioners which have been perfected by the giving of a bond. Said order shall be in the following or similar form:

STATE OF NORTH CAROLINA—..... County.

Form of order.

OFFICE BOARD OF COMMISSIONERS.....COUNTY.

To the Sheriff of.....County:

You are hereby commanded to collect the taxes herein mentioned according to the provisions and requirements of the existing law.

In witness whereof, I hereunto set my hand and seal, day of, 19..

.....

Clerk Board of Commissioners.

The board of commissioners shall make an order for the payment to the register of deeds of such a sum as may be deemed a proper compensation for the work of computing the taxes and making out the tax list and the necessary copies thereof, including the making of such abstract and returns as he may be required to furnish to the Corporation Commission and Auditor; but the sum allowed for computing the taxes and making out the tax list shall not exceed five (5) cents for each name appearing on the tax list, to be paid by the county treasurer out of the county funds.

Compensation to register of deeds.

Limit of amount.

SEC. 82. Agents paying taxes shall have lien.

When property is assessed to any person as agent for another or in a representative capacity, such person shall have a lien upon such property or any property of his principal in his possession until he is indemnified against the payment thereof, or, if he has paid the tax, until he is reimbursed for such payment.

Agents charged with taxes to have lien on property charged.

SEC. 83. Register of deeds shall make report to Auditor.

The clerk of the board of commissioners shall, on or before the first Monday in November, after the lists are deposited with him by the board of commissioners, return to the Auditor an abstract of the same, showing the number of acres of land and their value, and the value of town lots, and the number of white and negro polls, separately, and specify every other subject of taxation and the amount of State and county tax paid on each subject and the amount paid on the whole. At the same time the clerk shall return to the Auditor an abstract of the list of the poor, county and school taxes paid in his county, setting forth separately the tax levied on each poll and on each one hundred dollars value of real and personal property for each purpose, and also the gross amount of taxes of every kind levied for county purposes.

Register of deeds to return abstracts to auditor.

What abstracts to contain.

Abstracts of county taxes.

SEC. 84. Penalty for register of deeds failing to make report.

If any register of deeds shall make a default of any of the duties prescribed in the preceding section, or shall fail to deliver to the Auditor a copy of the sheriff's return of taxes received under

Forfeit on register of deeds for default.

Recovery on motion.

Auditor to notify solicitor and furnish copy of register's bond.

Copies of bonds to be sent to auditor.

Apportionment of valuation on division of property.

Amendment of tax lists.

Proviso: amendment not to affect tax due.

Tax due first Monday in October.
Payment noted on tax list.
Receipts for taxes.

Failure to give receipt misdemeanor.

Punishment.

Proviso: settlement and bond of sheriff.

Receipts of State and county to be shown.

Schedules B and C of "An act to raise revenue," and a copy of the settlement of State tax accounts between the board of commissioners and the sheriff or tax collector, made, sworn to and subscribed, he shall forfeit and pay to the State one thousand dollars, to be recovered against him and the sureties on his bond in the Superior Court of Wake County, before the clerk thereof, on motion of the State solicitor; and it shall be the duty of the Auditor to inform the solicitor of such default, and at the same time furnish him with a certified copy of the official bond of said register of deeds. The clerk of the Superior Court shall transmit to the Auditor, on or before the second Monday in October in each year, a certified copy of the official bond of the register of deeds and his sureties, under the same penalties for default as are prescribed in this act. The register of deeds shall transmit to the Auditor annually a copy of the bond of the clerk of the Superior Court.

Sec. 85. Property may be divided upon sale.

In case, within the interval between the regular periods of the valuation of lands or real property, any piece of land or real property shall become divided in ownership, either by partition or sale of a portion thereof or otherwise, either of the part owners may at any time, upon five days' notice to the other part owner, apply to the board of commissioners for an apportionment of valuation. The board of commissioners shall allow such amendment to the tax duplicate as they may think just, and the person who has in custody the tax duplicates shall amend the same according to the assessment of the board of commissioners on the production of a certified copy of their proceedings ordering the change: *Provided*, that no amendment made after a tax has become due shall operate to affect that tax.

Sec. 86. Taxes due the first Monday in October.

All taxes shall be due on the first Monday in October in each year. When paid, the sheriff or tax collector shall note on the tax duplicate against the name of the party the date of the payment and the amount paid. He shall also give receipt to the parties, stating the amount of the State and county tax separately, and the date of payment; and for the failure to give such receipt, stating the State and county tax separately, he shall be guilty of a misdemeanor, and on conviction be fined at the discretion of the court: *Provided*, the sheriff or tax collector shall not collect the taxes for any year until he shall have settled in full with the State and county for the taxes of the previous year (if he was sheriff or tax collector) and give the bond required by law; and if upon examination the commissioners are not satisfied with the solvency of the surety to said bonds, they may require new bonds to be given. Before receiving the tax duplicate, he shall produce the receipts of the State and county, if he was the sheriff or tax

collector, for the previous year, to the clerk of the board of commissioners, and in the event the sheriff fails to produce the aforesaid receipts and give the required bond the board of commissioners shall appoint a tax collector, who shall give bond as required of the sheriff to faithfully collect and pay over the taxes according to law. When the sheriff shall collect by his deputies they shall, before the clerk of the board of commissioners or before a justice of the peace of the county, take and subscribe an oath faithfully and honestly to account for the same with a sheriff or other person authorized to receive the same. Said oath shall be filed with the register of deeds and kept in the office of the board of commissioners; and for failure of any deputy sheriff to pay over such taxes as he may collect he shall be guilty of a misdemeanor.

Appointment of tax collector.

Deputies collecting tax to be sworn.

Oath to be filed.

Failure of deputy to pay over a misdemeanor.

SEC. 87. *Sheriff shall attend to receive taxes.*

The sheriff or his deputy or tax collector shall attend at the courthouse or his office in the county town during the months of October and December for the purpose of receiving taxes. He shall also in like manner attend at least one day during the month of November at some one or more places in each township, of which fifteen days' notice shall be given by advertisement at three or more public places and in a newspaper, if one be published in the county: *Provided*, that nothing in this section shall be construed to prevent the collecting officer from levying and selling after the first day of November, but he shall not sell before that day unless he has reason to believe the taxpayer is preparing to leave the county or State. The sheriff or tax collector shall be entitled to fifty cents for each actual levy or sale and fifteen cents for each advertisement, but in no case shall said sums be collected where no levy or sale or advertisement is made on real or personal property: *Provided*, that the sheriffs of the counties mentioned in chapter one hundred and fifty of the laws of one thousand eight hundred and eighty-three, as amended by subsequent acts, shall not levy on property or sell the same under execution until after the fifteenth day of March. The sheriffs of said counties or their regularly authorized deputies shall attend one day during the month of March, before the fifteenth day of said month, at one or more places in each township, for the purpose of collecting the taxes which still remain unpaid, of which ten days' notice shall be given by advertisement at three or more public places and in a newspaper, if one be published in the county. No costs shall accrue to or fees be collected by the sheriffs of said counties except in cases of actual levy or advertisement and sale of property as prescribed in this proviso; and no tax due from insolvents shall be credited to the sheriff in the settlements with the Auditor except such as shall be allowed by the board of commissioners, a list whereof, containing the names and amounts and subscribed

Attendance at office for receiving taxes.

Attendance in townships.

Advertisement.

Proviso: levy and sale for taxes.

Fees for levy and advertisement.

Proviso: time for levy under special law.

Attendance in March.

Advertisement.

Costs and fees.

Insolvents allowed by county commissioners.

Lists of insolvents.

Oath as to insolvents. by the sheriff, shall be returned by the sheriff to the board of commissioners, and the same shall be allowed only on his making oath that he has been at the dwelling-house or usual place of abode of each of the taxpayers and could not there or elsewhere in the county find any property wherewith to discharge his taxes or such part thereof as is returned unpaid, and that the persons contained in the list were insolvent at the time when by law he ought to have endeavored to collect the taxes. Such list shall be recorded in the commissioners' docket and a copy thereof shall be returned to the Auditor of the State on or before the day of the settlement of the sheriff with the Treasurer. Nothing in this section shall be construed to repeal chapter seven of the Public Laws of the extra session of one thousand nine hundred and eight: *Provided*, that no mortgage or deed of trust executed upon personal property shall have the effect of creating a lien thereon superior to the lien acquired by a subsequent levy upon said property for the payment of the State, county, and municipal taxes assessed against the same, but the sheriff or other tax collector levying upon such property, for the purpose of collecting the taxes due thereon, shall give due notice to the mortgagee or trustee of such property of the amount of such taxes, at least ten days before the sale of the same, and such trustee or mortgagee shall have the right to pay said taxes and the costs incident to making said levy, when the sheriff or tax collector shall release the same to such trustee or mortgagee, and the amount so paid by said trustee or mortgagee shall constitute a part of the debt secured in said mortgage or deed of trust.

List to be recorded and copy returned to auditor. Proviso: lien for taxes paramount.

Notice to mortgagees or trustees.

Right of mortgagee or trustee to pay tax and costs.

Amount to constitute part of secured debt.

SEC. 88. *Clerks of cities and towns shall furnish information.*

Annual reports from cities and towns to corporation commission. The clerks of each city and town shall annually make out and transmit to the Corporation Commission, on blanks furnished by the said Commission, a statement showing the assessed valuation of all property within his town or city, and separately the amount of all taxes levied therein by said town or city, including school district, highway, street and sidewalk taxes for the current year, and the purpose for which the same were levied; also a complete and detailed statement of the bonded and other indebtedness of his town or city, and of the accrued interest, if any, remaining unpaid, and the purpose for which said indebtedness was incurred.

Amount of taxes.

Indebtedness and accrued interest.

SEC. 89. *City or county indebtedness shall be reported.*

Reports of county and municipal debts furnished corporation commission. Each register of deeds, city or town clerk, whenever required by the Corporation Commission, shall furnish a full and complete statement showing the bonded indebtedness and all other indebtedness of his respective county, city or town, the purpose for which the same was incurred, and all accrued interest, if any, remaining unpaid.

SEC. 90. *City clerk or assessor failing to carry out provisions of this act.*

Every clerk of any town or city and every assessor who shall fail or neglect to perform any duty required of him by any of the provisions of this act shall for every such neglect or failure forfeit not less than twenty nor more than fifty dollars, and every clerk of the court and every register of deeds who shall fail or neglect to perform any duty required of him by this act shall for every such failure forfeit not less than twenty-five nor more than one hundred dollars, and it shall be the duty of the Auditor or Corporation Commission to cause every such forfeiture to be prosecuted for.

Penalty on city or town clerk and assessor.

Penalties on clerks of courts and registers of deeds.

Auditor or corporation commission to prosecute.

SEC. 91. *All taxes received shall be paid to State Treasurer within ten days after the first of following month.*

All city, county or State officers authorized to collect or receive taxes or license fees for the State shall make return of the same on the first of every month to the Auditor, and within ten days thereafter pay the amount mentioned in said return to the State Treasurer; and, further, it shall be the duty of the State Treasurer to immediately notify the State Auditor of any failure upon the part of any official to account as aforesaid. Any officer violating this section shall be guilty of a misdemeanor.

Officers to make returns on first of each month.

Payment within ten days.

Notification to auditor of failure.

Violation of section a misdemeanor.

SEC. 92. Should there be any doubt in the mind of any sheriff of any county as to which license fee any corporation, firm or individual should pay on account of the business partaking of the nature of more than one subject of taxation, such corporation, firm or individual shall be charged the highest license which might be levied; but this discretion shall not be exercised by the sheriff when the businesses carried on are separate and distinct branches, but each shall then be taxed as required by law.

Highest license charged in case of doubt.

When business separate.

SEC. 93. *Definitions.*

The words and phrases following, whenever used in this act, shall be construed to include in their meaning the definitions set opposite the same in this section, whenever it shall be necessary to the proper construction of this act:

Definitions.

(1) Bank, banker, broker, stock jobber—whenever has money employed in the business of dealing in coin, notes or bills of exchange, or in any business of dealing or in buying or selling any kind of bills of exchange, checks, drafts, banknotes, promissory notes, bonds, warrants or other writing obligatory, or stocks of any kind or description whatsoever, or receiving money on deposit.

Bank, banker, broker, stock jobber.

(2) Collector or collectors—county and deputy collectors, including sheriffs.

Collector or collectors.

(3) Credits—every claim or demand for money, labor, interest or valuable thing due or to become due, including money on deposit.

Credits.

- He. (4) He—male, female, company, corporation, firm, society, singular or plural number.
- Real property, real estate, land, tract, lot. (5) Real property, real estate, land, tract, lot—not only the land itself, whether laid out in town or city lots, or otherwise, with all things therein, but also all buildings, structures and improvements and other permanent fixtures of whatever kind thereon, and all rights and privileges belonging or in anywise appertaining thereto, except where the same may be otherwise denominated by this act.
- Shares of stock. (6) Shares of stock, shares of capital stock—the shares into which the capital stock of every incorporated company or association may be divided.
- Shares of capital stock.
- Tax, taxes. (7) Tax, taxes—any taxes, special assessments or costs, interest, or penalty imposed upon property.

SEC. 94. *Mistakes in assessments.*

- Correction of mistakes and omissions. If on the assessment roll there is an error in the name of the person assessed, or any taxable property shall not be entered thereon, the name may be changed or the property entered on the list by the assessors after the roll has been returned to the clerk of the board of commissioners, or such error may be corrected or the omission supplied by the board of commissioners, upon satisfactory evidence of such error or omission, at a regular meeting of the board; and the board may make an order requiring the person affected to show cause, at a day to be therein appointed, why the error shall not be corrected or omission supplied, and his name and the property be entered on the tax list. Such order shall be served upon the party or posted upon the property thirty days before the day appointed therein for showing cause. If no cause, or no sufficient cause, be shown to the contrary, the commissioners shall assess such property and order such error corrected or omission supplied and the name of the person and description of the property entered on the tax list, and the tax shall be collected as in other cases; but proceedings to correct such error or supply such omission must be instituted within six months from the time taxes would, if regularly assessed, have become delinquent.
- Order to show cause.
- Service of order.
- Assessment of property and collection of tax.
- Proceedings instituted within six months.

SEC. 95. *Taxes on railroads shall be a lien on property of the same.*

- Lien for taxes on railroad property perpetual and paramount. The taxes upon any and all railroads in this State, including roadbed, right of way, depots, sidetracks, ties and rails, now constructed, or hereafter to be constructed, are hereby made a perpetual lien thereupon, commencing from the first day of June in each current year, against all claims or demands whatsoever of all persons or bodies corporate, except the United States and this State; and the above-described property or any part thereof may be taken and held for payment of all taxes assessed against said railroad company in the several counties in this State.

SEC. 96. *Removing or concealing personal property a misdemeanor.*

If any person whose duty it is to list personal property for taxation shall remove or conceal same, or cause same to be removed or concealed, for the purpose of avoiding taxation, or shall fail to list same for taxation, he shall be guilty of a misdemeanor.

Removal or concealment or failure to list property a misdemeanor.

SEC. 97. *Sheriff to keep the records of settlement of taxes.*

Every sheriff shall keep a record of the taxes collected by him from the clerk of the court, register of deeds and under Schedule B of the Revenue Act. A suitable book for the purpose shall be provided by the State Auditor for recording all forfeitures, arrears from insolvents, double taxes and taxes on unlisted subjects; and on the first Monday in December in each year the sheriff shall deliver, on oath, to the board of commissioners a statement setting forth all sums received to that date not previously accounted for, the date of such receipts, the person from whom received, the amount received from each person, the subjects on which received, and the aggregate amounts, accompanied by an affidavit taken and subscribed before the clerk of the commissioners and attested by him that the statement is correct and that no receipts have been omitted; and the register of deeds shall record the same in a book to be kept for that purpose, and shall, before the second Monday in December, send an abstract of such statement, with the affidavit, to the Auditor, on a blank to be furnished by the Auditor, register the same in a book kept in his office for that purpose, and keep a copy of the same in a conspicuous place in the courthouse until the first day of January next ensuing.

Record to be kept by sheriff.

Book to be provided by auditor.

Annual statements of sheriff.

Reports to be recorded.

Abstract to auditor.

Record of abstract. Copy to be posted.

Sec. 98. The sheriff or other accounting officer shall on or before the second Monday of January in each year, settle his State tax account with the commissioners of his county and pay the amount for which said sheriff or collector is liable to the Treasurer of the State in such manner or at such a place as he shall direct: *Provided*, the State Treasurer may extend the time on a sufficient amount to cover the State tax on the land sales in each county to the first Monday in May. The commissioners shall forthwith report to the State Auditor the amount due from such accounting officer, setting forth therein the net amount due to each fund; and the Treasurer, upon a statement from the Auditor, shall open an account against such officer and debit him accordingly. Upon the failure of the board of county commissioners to make this report to the State Auditor on or before the third Monday of January each year, he may impose a fine of one hundred dollars upon said commissioners. The sheriff or tax collector, in making his settlements as aforesaid, shall file with the commissioners a duplicate of the list required in this act. In such settlement the sheriff or other officers shall be charged with the amount of public tax as the same appears by the abstract of the taxables transmitted to the Auditor; also, with all double tax and taxes

Time for settlement of State tax.

Proviso: treasurer may extend time.

Report of commissioners to auditor.

Penalty on commissioners for failure to report.

Duplicate to be filed.

Amounts charged to sheriff.

- Certificate from auditor.
- Certificate deposited for public inspection.
- Commissions of sheriff.
- Proviso: sheriffs receiving salaries.
- Proviso: sheriff and tax collector of Mecklenburg county.
- Items to be deducted by auditor.
- Insolvents.
- Overpayments in former settlements.
- Commissions.
- Per diem and mileage allowed sheriffs.
- Auditor to report failure of sheriff.
- Deductions.
- Penalties added.
- Judgment on motion.
- on unlisted property by him received, and with other tax which he may have collected or for which he is chargeable. The Auditor shall give to each sheriff or tax collector a certified statement embracing the subjects of taxation contained in both lists and the amount of tax on each subject, which the sheriff or tax collector shall deposit with the clerk of the commissioners of his county for public inspection; that the sheriffs and tax collectors shall receive five per cent on all taxes, licenses and privileges collected by them for State, county, township, school district or other purposes whatsoever, up to the sum of fifty thousand dollars, and upon all such sums so collected by him in excess thereof he shall receive two and one-half per cent commission; that all laws and clauses of laws, whether general or special, in conflict herewith are hereby repealed: *Provided*, this shall not apply to or affect the compensation allowed sheriffs of the counties who receive salaries for the collection of taxes: *Provided further*, that the sheriff and tax collector of Mecklenburg County, shall receive the compensation provided for them in chapter eight hundred and fifteen of the Public Laws of North Carolina, session of one thousand nine hundred and five.
- SEC. 99. The Auditor, in making the settlement of the amount due from the sheriff or tax collector aforesaid, shall deduct from the list returned:
- (1) Taxes on personal property certified by the clerk of the commissioners of the county, by order of the commissioners, to be insolvent and uncollectible.
 - (2) All overpayments made in former settlements by reason of any error in the clerk's abstract of taxables.
 - (3) The commissions allowed by law.
- SEC. 100. For his settlement with the State Treasurer the sheriff or tax collector shall be paid three dollars for each day he may be actually necessarily engaged therein with the commissioners at the county-seat, and ten cents per mile by usual route of travel for twice the distance between the courthouse and the place designated by the State Treasurer, to be paid by him on the warrant of the Auditor, upon certificate of the sheriff or tax collector, duly verified before the board of commissioners.
- SEC. 101. In every case of failure by the sheriff or other accounting officer to settle his account within the time prescribed by this act for such settlement, and to take oath required in his settlement and pay the amount due to the Treasurer, the Auditor shall forthwith report to the Treasurer the account of such sheriff or officer, deducting therefrom for commissions or insolvents, but adding thereto one thousand dollars and ten per centum of the amount of taxes with which said sheriff is charged for the amount of taxes supposed not to appear in the list transmitted by the clerk, and furnish him a copy of the official bond of said officer and his sureties; and if the whole amount be not paid the Treasurer, on

motion of the solicitor in the Superior Court of Wake County, before the clerk thereof, within twenty days after default shall have occurred, shall recover judgment against him and his sureties, without other notice than is given by the delinquency of the officer; and to the end that obligations and names may be known, the clerk of the Superior Court shall, on or before the second Monday in each year, transmit to the Auditor a copy, certified under the seal of the court, of the bond of the sheriff and his sureties, upon pain for his default of forfeiting to the State one thousand dollars, which the Auditor shall and is hereby specially charged to collect in like manner and at such times as is provided in this section.

Copy of sheriff's bond sent to auditor.

Forfeit for default. Auditor to collect forfeit.

Sec. 102. The sheriff or tax collector shall pay the county taxes to the county treasurer or other lawful officer. He shall at no time retain over three thousand dollars for a longer time than ten days, under a penalty of two per centum per month to the county upon all sums so unlawfully retained, and shall, on oath, render a statement to the board of commissioners at their monthly meeting of the amount in his hands. On or before the first Monday of February in each year the sheriff shall account to the county treasurer or other lawful officer for all taxes due the county for the fiscal year, and on failing to do so he shall pay the county treasurer a penalty of two per centum per month on all sums unpaid, and this shall be continued until final settlement: *Provided*, the board of county commissioners may in their discretion relieve the sheriff or tax collector of said penalty of two per centum per month upon payment in full of the county taxes: *Provided further*, the county commissioners may extend the time of settlement of the sheriff of the county to the first Monday in May.

Settlement of county tax. Penalty for retention of money. Monthly statements. Final account.

Penalty for delay.

Proviso: commissioners may remit penalty.

Proviso: commissioners may extend time.

Sec. 103. The Treasurer of the State, with the advice and approval of the Attorney-General, is hereby authorized, when in the judgment of these officers it may be best to secure the interest of the State and will not lose any lien held by the State, to grant indulgence to defendants in execution and relinquish penalties upon payment of amount of dues owing to the State; and likewise to bid for in behalf of the State and purchase property of said defendant when necessary to secure the payment of the dues.

Treasurer may grant indulgencies.

And relinquish penalties.

And bid in property.

Sec. 104. The sheriff or tax collector shall be charged with the sums appearing by the tax list as due for the county taxes, and shall be allowed to deduct therefrom, in like manner as is prescribed in this act in regard to his settlement of the State taxes, all insolvent and uncollectible poll taxes, and also the amount of county tax on the lands bid off by the county, and costs and fees, which shall be, for making a deed, fifty cents; for registering, twenty-five cents; and such other necessary sums as were actually paid by the sheriff: *Provided*, a majority of any board of county commissioners may extend the time for collecting and settlement of county taxes in the respective counties to such time

Sheriff charged with county taxes. Deductions allowed.

Costs and fees.

Proviso: extension of time for collection and settlement.

- as they may deem expedient, not to extend beyond the first of May in the year following in which taxes were levied: *Provided further*, that it shall be unlawful for any sheriff or tax collector, in accounting with the board of county commissioners for either the State or county taxes, to exhibit or present in said county any money not actually derived from the collection of taxes; and any such sheriff or tax collector so offending shall forfeit a penalty of five hundred dollars, one-half of which shall belong to any person who shall sue for the same, and the other half to the county in which the sheriff resides: *Provided further*, that any sheriff, tax collector or county treasurer who shall use any part of the county or State taxes otherwise than as directed by law shall forfeit double the amount of his commissions on county and State taxes for the year in which he so misused said taxes, one-half to belong to any person suing for the same and one-half to the county in which such sheriff resides. No mortgage or lien on any property shall be superior to the taxes on said property, whether said mortgage or lien was given prior or subsequent to the levy of the taxes.
- Proviso: sheriff to pay money actually received.
- Penalty for failure.
- Division of penalty.
- Proviso: forfeit for misuse of tax money.
- Division of forfeit.
- Lien of taxes paramount.
- County commissioners to appoint auditing committee.
- Audit reported to board. When approved to be recorded.
- Proviso: compensation of auditing committee.
- Forfeit on sheriff for failure to account and pay.
- County treasurer to bring action on sheriff's bond.
- Criminal liability of sheriff.
- SEC. 105. The board of county commissioners, at their last regular or other subsequent meeting in each year, shall appoint one or more of their number, not to exceed three, together with the county assessor, to be present at the accounting and settlement between the sheriff and county treasurer provided for in the preceding section, and also to audit and settle accounts of the county treasurer and all other county officers authorized to receive or disburse county funds. The accounts so audited shall be reported to the board of county commissioners, and when approved by them shall be filed with the clerk and recorded on his book, and shall be *prima facie* evidence of their correctness and impeachable only for fraud or special error: *Provided*, the compensation allowed the committee for their services shall not exceed two dollars per day each for the time actually spent in said settlement, and there shall be no allowance for extra clerical aid.
- SEC. 106. In case the sheriff of a county shall fail, neglect or refuse to account with the county treasurer and auditing committee as above required, or to pay what may rightfully be found due in such accounts, he shall forfeit and pay to the State for the use of the county a penalty of two thousand five hundred dollars. It shall be the duty of the county treasurer (and if he neglect or refuse to perform same, it shall be the duty of the chairman of the board of commissioners) to cause an action to be brought in the Superior Court of the county on the bond of the sheriff against him and his sureties to recover the amount owing by him and the penalties aforesaid. If the sheriff shall fraudulently and corruptly fail to account as aforesaid, he shall be criminally liable thereupon in like manner and with the same penalties imposed for such criminal defalcation in section one hundred and two of this act.

SEC. 107. In each year the county treasurer shall give five days' notice to all the county officers (except the sheriff) authorized to receive or disburse the county funds to appear at the courthouse, on a certain day in January, before him and the committee appointed by the board of commissioners, and present an account of all sums received or disbursed for the county, with their vouchers, and any officer failing to attend and account shall be deemed guilty of a misdemeanor. The accounts, when audited, shall be reported to the board of commissioners at their next meeting, and if approved shall be filed with the clerk and recorded in their proceedings, together with their approval, and shall be deemed *prima facie* correct.

Settlements with other county officers.

Failure to attend and account a misdemeanor. Report, approval and record of accounts.

SEC. 108. Whenever in this act a duty is imposed upon the sheriff of a county of which a tax collector has been or may be appointed, it shall be incumbent upon the tax collector to perform said office instead of the sheriff; and such tax collector shall collect all the taxes, have all the emoluments and be subject to all the penalties as provided in case of sheriffs in this act; and it shall be the duty of all persons having tax moneys in hand to account for and settle with said tax collector.

Tax collector charged with duties and powers of sheriffs.

SEC. 109. If any sheriff shall die during the time appointed for collecting taxes his sureties may collect them, and for that purpose shall have all power and means for collecting the same from the collectors and taxpayers as the sheriff would have had, and shall be subject to all the remedies for collecting and settling of the taxes, on their bond or otherwise, as might have been had against the sheriff if he had lived.

Sureties to collect on death of sheriff. Powers and liabilities.

SEC. 110. The sheriff (and in case of his death, the sureties) shall have one year, and no longer, from the day prescribed for his settlement and payment of the State taxes to finish the collection of all taxes, but the extension of time for collection shall not extend the time of his settlement of the taxes.

Time for completion of collection.

SEC. 111. The Secretary of State shall have printed five thousand copies of this act and the Revenue Act of this session and distribute the said acts among the officers whose duty it is to execute or carry into effect any portion thereof.

Copies of acts to officers.

SEC. 112. The Secretary of State shall in like manner have printed ten copies of said act for each member of the General Assembly and forward the same to him.

Copies for members of general assembly.

SEC. 113. The State Auditor shall prepare and furnish to the board of commissioners of each county a sufficient number of blank forms or lists, with the proper oath added thereto, on which each taxpayer in the State shall make out, under oath, a true statement and return of all his property, with the value thereof, according to the provisions of this act. The State Auditor, in making such forms or lists, shall prepare the columns provided for in section nineteen of this act.

Auditor to prepare and furnish blanks.

Time of levying taxes.

SEC. 114. The county commissioners shall not be required to make their regular levies for county purposes until their regular meeting on the first Monday in August. In all acts of this General Assembly authorizing tax levies in private bills to be made on first Monday in June, the power may be exercised on the first Monday in August.

SEC. 115. *State Treasurer to sue for taxes.*

Treasurer to sue for taxes.

Upon failure to pay to the State Treasurer, within thirty days after the same shall have become due, any tax which by law is made payable direct to the State Treasurer, it shall be his duty to institute an action to enforce the same in the county of Wake or in the county in which the property taxed is located.

County of venue.

Repealing clause. Proviso: vested rights.

SEC. 116. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed: *Provided*, that such repeal shall not in any manner affect any rights heretofore acquired, or the collection of any taxes heretofore levied or assessed, or the validity of any sales for taxes heretofore made, or any right heretofore acquired under any law of this State.

SEC. 117. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1911.

CHAPTER 51.

AN ACT TO PROVIDE FOR AN ADDITIONAL TERM OF COURT FOR MACON COUNTY.

The General Assembly of North Carolina do enact:

Additional term.

SECTION 1. That there shall be held for the county of Macon two weeks' term of the Superior Court to begin on the second Monday before the first Monday in September, one thousand nine hundred and eleven, and annually thereafter: *Provided, however*, if in the opinion of the county commissioners of said county the public good does not require the holding of the additional term of court for the year one thousand nine hundred and twelve, or any subsequent year, they may refuse to draw a jury, in which event they shall notify the Governor and the judge holding the courts of the Sixteenth Judicial District, of their action, at least thirty days before the time for the convening of said court, and said court will not be held.

Proviso: term not held when public good does not require.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 4th day of March, A. D. 1911.

CHAPTER 52.

AN ACT TO APPOINT JUSTICES OF THE PEACE FOR THE
SEVERAL COUNTIES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the following named persons be and they are Appointment.
hereby appointed justices of the peace for their respective counties
and townships in North Carolina for a term of six years, except Term of office.
when a different length of time is named herein, said terms to Begining of
begin the first day of April, one thousand nine hundred and eleven, term.
or when their present terms of office expire:

ALAMANCE COUNTY.

Alamance county.

Newland Township—J. A. Winningham, W. Manly Lewis, E. G. Guthrie.

Horton Township—J. D. Wilkins, P. C. Bowles, Daniel M. Ireland.

Patterson Township—W. H. Fogleman, W. H. Robinson.

Graham Township—V. M. Euliss, John M. McCracken.

Haw River Township—William T. Brooks.

Burlington Township—W. Luther Gates.

ALEXANDER COUNTY.

Alexander county.

Millers Township—Linly Dagenhart.

Little River Township—J. D. Brookshire.

ALLEGHANY COUNTY.

Alleghany county.

Gap Civil Township—Vance Andrews.

Prathers Creek Township—W. F. Jones, W. G. Shepherd, H. D. Estep.

Glade Creek Township—A. O. Carico.

Piny Creek Township—A. F. Phips, Frell Mitchell.

Whitehead Township—G. T. Caudell.

Cranberry Township—L. N. York.

ANSON COUNTY.

Anson county.

Gulledge Township—Edwin Wall.

Lanesboro Township—C. S. Redfearn.

ASHE COUNTY.

Ashe county.

Chestnut Hill Township—J. E. Gambill, R. F. Edwards, B. S. Revis, Walter W. McMillan. Two years each.

Grassy Creek Township—Eli Francis.

Clifton Creek Township—R. F. Jenkins, J. C. Roland, R. A. Faw. Lee R. Poe, Sam W. James. Two years each.

Creston Township—W. R. Harris. Two years.

Helton Township—Munsey Osborn, J. P. Perkins. Two years each.

Jefferson Township—W. E. Johnson. Six years.

Horse Creek Township—Arthur Sheets, J. P. Hampton, Adolphus Tucker, C. C. Davis. Two years each.

Old Field Township—W. A. Houck, J. W. Duncan. Two years each.

Beaufort county.

BEAUFORT COUNTY.

Bath Township—George M. Jordan.

Long Acre Township—Charles A. Singleton, J. Mac. Alligood, James R. Pinkham.

Washington—George J. Student, John C. Latham, Charles T. Hardison.

Pantego Township—R. D. Adams. Two years.

Chocowinity Township—Robert Barr, William A. Blount.

Richlands Township—J. M. Messick, W. L. Godley, Warren Tuten, J. M. Litchfield, N. W. Potter.

Bertie county.

BERTIE COUNTY.

Windsor Township—A. L. Pritchard, S. V. Cowand.

Merry Hill Township—George A. Harden.

Coleraine Township—J. H. White, W. R. Rayner, Thomas D. Holly.

Roxobel Township—Thomas S. Norfleet, R. W. Jilcott, W. E. Parker, Arthur Bazemore.

Mitchells Township—G. R. Dunning, William A. Jenkins.

Luakebite Township—W. E. Harrell, Levi Haggard, Charles Taylor, J. R. Cherry, John S. Drew.

Woodville Township—A. T. Eason, J. L. Harrington, T. W. Griffin, E. C. Pitman.

Indian Woods Township—E. D. Spruill, E. W. Waters.

Bladen county.

BLADEN COUNTY.

Abbotts Township—W. J. McEwen. Four years.

Bethel Township—John M. Pait, J. M. Guyton (two years each). O. G. Parker, D. L. Roberts (four years each).

Carvers Creek Township—L. M. McRae (four years), A. R. Clark (two years).

Elizabeth Township—W. P. Dove. Four years.

White Creek Township—J. A. Wooten, I. A. Register (two years each), C. Monroe, J. E. Elkins (four years each).

Frenches Creek Township—E. H. Andrews (six years), A. Allen (two years).

Bladenboro Township—J. D. Furgerson. Two years.

Turnbull Township—Charlie Howell. Two years.

BRUNSWICK COUNTY.

Brunswick
county.*Lockwoods Folly Township*—L. H. Phelps, D. E. Robinson.*Shalotte Township*—Samuel Hickman.

BUNCOMBE COUNTY.

Buncombe
county.*Asheville Township*—F. N. Waddell, Walter Gudger, James A. McIntyre, Robert C. Sales, J. C. M. Valentine.*Reems Creek Township*—John E. Roberts, H. E. Sawyer.*Limestone Township*—C. L. Garren, G. F. Garren, M. L. Lance, Jr.*French Broad Township*—O. L. Honeycutt, Zeb Vance, Will H. White, J. A. Gwaltney.*Big Ivy Township*—Thomas S. Dillingham, James Maney, Zeb. Hopson, Milford Arrowood.*Sandy Mush Township*—William T. Lee, T. H. Deboard.*Leicester Township*—George Moffett.*Flat Creek*—Wesley Elliott, L. L. Roberts.

BURKE COUNTY.

Burke county.

Upper Fork Township—Joshua Carswell, A. L. Kestler.*Upper Creek Township*—Lewis Reid, Olan Avery.*leard Township*—H. A. Adams.

CABARRUS COUNTY.

Cabarrus county.

No. 8 Township—H. C. McAlister, L. S. Sherry, L. A. Lite.*No. 10 Township*—R. L. Hartsell, Sr.*No. 11 Township*—Walter Thompson.*No. 12 Township*—J. N. Brown.

CALDWELL COUNTY.

Caldwell county.

Patterson Township—R. A. Woods. Six years.*Johns River Township*—D. W. Lloyd. Two years.*North Catawba Township*—A. G. Corpening (two years), J. M. Smith (four years).*Globe Township*—Mack J. Cook.*Yadkin Valley Township*—Joe Cook.

CAMDEN COUNTY.

Camden county.

Shiloh Township—J. B. Burgess, W. H. Sanderlin.*Courthouse Township*—A. S. Salter, M. W. Ferree.

CARTERET COUNTY.

Carteret county.

Morehead City Township—Hugh Murdock, Allen C. Davis, W. J. Hales.

Caswell county.

CASWELL COUNTY.

Dan River Township—W. K. Williams, J. F. Walters.
Milton Township—J. B. Satterfield.
Hightower Township—J. R. Smith, C. J. Hester, W. L. Compton.
Pelham Township—P. N. Howard.
Stony Creek Township—W. W. Miles.
Yanceyville Township—J. H. Kerr, R. S. Graves, N. F. Oliver.
Locust Hill Township—J. A. Cobbs.
Anderson Township—J. A. Burton, A. F. Dillard.
Leasburg Township—W. S. Dixon, George W. Oliver.
Stony Creek Township—J. B. Turner, P. M. Somers, W. W.

Miles.

Catawba county.

CATAWBA COUNTY.

Hickory Township—George H. Messick.
Catawba Township—A. H. McNeil.
Brandys Township—Robert L. Asherbanner, R. Pinckney Heavener, D. C. Hall.

Chatham county.

CHATHAM COUNTY.

Williams Township—J. J. Bryan (two years), A. E. Cole (two years), Hiram D. Mason.
Oakland Township—J. L. Tyson. Two years.
Gulf Township—J. M. Stinson. Two years.
Hickory Mountain Township—Robert W. Daw. Two years.

Cherokee county.

CHEROKEE COUNTY.

Valleytown Township—G. W. Stepp, Thomas E. Ladd.
Murphy Township—S. W. Lovengood, W. M. Odell, T. N. Bates.
Shoal Creek Township—J. R. Burnett.

Chowan county.

CHOWAN COUNTY.

Edenton Township—R. P. Tuttle, R. W. Boyce.
Secoond Township—O. E. Ward.

Cleveland county.

CLEVELAND COUNTY.

No. 9 Township—Sylvanus Gardner, A. F. Williams.
No. 1 Township—L. B. Scruggs.
No. 4 Township—R. M. Collins. Two years.
No. 6 Township—Bynum Hemrich.

Columbus county.

COLUMBUS COUNTY.

Williams Township—C. H. Harrellson (four years), W. J. McPherson (two years).
Tatoms Township—W. J. Covington. Four years.
Bug Hill Township—G. L. Holmes. Four years.
Chadbourne Township—E. T. Usher. Two years.
Lee's Township—D. J. Jolly. Four years.

Welches Creek Township—J. M. Smith (four years), J. M. Brown (four years), J. L. McCoy (four years).
Fair Bluff's Township—J. B. High. Two years.
Whiteville Township—J. H. Maxwell. Two years.

CRAVEN COUNTY.

Craven county.

No. 2 Township—J. P. McCullen, J. R. Wiley, J. A. Evington, W. H. Whitford, T. W. Holton.
No. 3 Township—William B. H. Blandford, J. S. Robinson.
No. 8 Township—John M. Hargett, C. J. McCarthy, Joseph E. Gaskill.
No. 9 Township—R. B. Lane.
No. 1 Township—George C. Gaskins.

CUMBERLAND COUNTY.

Cumberland county.

Flea Hill Township—G. F. Hubbard, H. H. Bolton.
Carvers Creek Township—A. M. Ray. Four years.
Beaver Dam Township—Alex. Simons, D. M. Beard, James M. Fisher.
Cross Creek Township—D. N. McLean.

CURRITUCK COUNTY.

Currituck county.

Poplar Branch Township—S. M. Dutcher, J. M. Cartwright.
Moyock Township—M. N. Stewart, T. B. Gray.

DARE COUNTY.

Dare county.

Nags Head Township—John W. Casey. Four years.
Croatan Township—E. B. Midgett (two years), Marion Hooper (two years), B. F. Gard.
Hatteras Township—O. W. Ferow, J. J. Barnette (two years), G. K. Rullison (two years), John W. Meekins (two years).
Kenuakeet Township—F. L. Scarborough.

DAVIDSON COUNTY.

Davidson county.

Arcadia Township—W. F. Raper.
Courad Hill—Ivey G. Thomas, T. G. Kindley.
Eminons Township—A. J. Beck, C. H. Surratt.
Healing Springs Township—L. A. H. Rodgers, Forest Holmes.
Thomasville Township—J. C. Green, W. A. Mendenhall, Y. C. Cecil.
Tyro Township—J. L. Helmstettler.
Alleghany Township—M. A. Burkhead, A. H. Michael.
Midway Township—D. A. Clodfelter.
Boone Township—J. H. W. Wilson.

Davie county.

DAVIE COUNTY.

Mocksville Township—James H. Cain, James H. Coley, John E. Jones. Two years each.

Shady Grove Township—A. C. Wood, J. A. Davis.

Clarksville Township—A. W. Eaton (two years), W. S. Belk (four years).

Calahaln Township—L. B. Walker. Two years.

Duplin county.

DUPLIN COUNTY.

Faison Township—S. A. Bowden, G. M. Long. Two years.

Island Creek Township—J. S. Cavenaugh, D. E. Boney. Two years.

Durham county.

DURHAM COUNTY.

Carr Township—D. B. Nichols, R. H. Shaw, J. R. Penny.

Oak Grove Township—L. M. Suitt, J. C. Nichols, J. E. Nichols, Claud Sherrod.

Edgecombe county.

EDGECOMBE COUNTY.

No. 2 Township—E. Cobb. Four years.

No. 3 Township—P. P. House. Four years.

No. 4 Township—R. C. Lawrence. Four years.

No. 5 Township—C. H. Spivey. Four years.

No. 6 Township—J. R. Etheridge. Four years.

No. 11 Township—R. G. Hart. Four years.

No. 13 Township—T. F. Cherry. Six years.

No. 14 Township—Fenner Gay. Six years.

Forsyth county.

FORSYTH COUNTY.

Lewisville Township—A. A. Styers, W. R. Wagner, A. M. Smith.

Middle Fork Township—Charles M. Hauser, E. W. Linville, L. M. Disher.

Old Town Township—J. H. Miller.

Bethania Township—J. G. Clayton.

Salem Chapel Township—J. F. Grubbs, James H. Morris.

South Fork Township—A. B. Atwood, C. R. Snider, L. I. Conard.

Vienna Township—R. C. Lineback, E. W. Hauser.

Winston—H. W. Stanford, J. C. Bessent.

Franklin county.

FRANKLIN COUNTY.

Louisburg Township—S. P. Boddie. Two years.

Gaston county.

GASTON COUNTY.

Dallas Township—J. Lee Hoover, M. D. Friday.

Cherryville Township—A. A. Wilson, J. A. Kiser.

South Point Township—C. W. Nipper.

GATES COUNTY.

Gates county.

Hall Township—James R. Brown.

GRAHAM COUNTY.

Graham county.

Cheoah Township—W. H. Eller. Four years.*Cheoal Township*—D. K. Blanton, V. L. Ellis.*Yellow Creek Township*—S. J. Greene. Four years.*Stecoah Township*—W. H. Marcus. Four years.

GRANVILLE COUNTY.

Granville county.

Fishing Creek Township—E. C. Harris, Thomas G. Taylor, R. M. Hight.*Brassfield Township*—E. J. Haswell, L. E. Adcock.*Dutchville Township*—R. G. Stem, J. L. Peed.*Walnut Grove Township*—J. C. Howard, B. F. Dean.*Oak Hill Township*—L. S. Royster, L. D. Royster, D. T. Winston.*Oxford Township*—D. N. Hunt, W. T. Lyon.*Tallyho Township*—Thomas D. Clement.*Sassafras Fork Township*—Goodridge Wilson.

GREENE COUNTY.

Greene county.

Jason Township—Charles H. Swinson, Noah U. Mewborn, Levi Hill, John L. Phelps, J. Parrott Mewborn.

GUILFORD COUNTY.

Guilford county.

Gilmer Township—J. B. Minor, C. M. Vanstory.*Morehead Township*—C. D. Wilkins, E. F. Paschall.*Deep River Township*—R. L. Smith.*Madison Township*—J. Richard Moore.*High Point Township*—Arthur Lyon, W. S. Lovelace.*Jefferson Township*—R. L. Davis.

HALIFAX COUNTY.

Halifax county.

Brinkleyville Township—C. A. Williams, E. T. Ellington, F. M. Taylor, W. W. Rosser, Thomas H. Taylor, G. S. Sledge, J. H. Norman, Jr., J. E. Ayers. Two years.*Butterwood Township*—S. J. Clark, A. E. Carter. Two years.*Halifax Township*—Ernest N. Sater, R. W. Carter. Two years.*Fawcetts Township*—E. W. Dickens (two years), A. G. Green.*Roanoke Rapids Township*—R. W. Brewer (six years), B. M. Pugh, W. F. Honner, Hannibal Shearin, J. E. Hockaday, V. M. Burton, Lafayette Powell.*Littleton Township*—W. R. Harvey, T. W. Harris. Two years.*Palmyra Township*—W. G. Hedgepeth, W. N. Herring, R. H. White, W. H. Holland. Two years each.

Seotland Neck Township—J. E. Shields (six years), C. H. Herring (two years), I. H. Smith (four years), C. L. McDowell (two years).

Weldon Township—K. L. Fitzpatrick, D. E. Stainback. Two years each.

Enfield Township—J. R. Holladay, Frank Branch, F. C. Pittman. Two years.

Harnett county.

HARNETT COUNTY.

Anderson Creek—Hugh D. McDonald.

Averasboro Township—M. T. Young, J. F. Wilson, V. L. Stephen, J. W. Whitehead.

Barbecue Township—Hugh D. Cameron, A. McD. Withers.

Black River—John G. Johnson, W. H. Stephenson, C. W. Flowers.

Buekhorn Township—W. A. Avent, L. S. Mann.

Lillington Township—W. H. Parker, H. J. McDonald, J. E. Ligon, S. D. Brantley.

Duke Township—Eugene Smith, Wilson H. Lucas, E. S. Yarbboro, L. E. Stancel, C. M. Eason.

Neills Creek Township—J. D. Long, W. T. Morgan, J. F. Jones.

Hectors Creek Township—O. Bradley, H. S. Holloway, M. McN. McKay.

Stuarts Creek Township—Leamons Hobbs, B. F. Byrd.

Johnsonville Township—H. A. Morrison, C. C. Cameron.

Upper Little River—W. A. Page, J. Blue McDonald.

Haywood county.

HAYWOOD COUNTY.

East Fork Township—James Coday (four years), Rowley Pless (four years).

Beaverdam Township—B. W. Hall (four years), W. M. Mease (four years).

Ceasil Township—George Allen. Four years.

Pigeon Township—James Moore. Four years.

Clyde Township—Dillard Byers. Four years.

Henderson county.

HENDERSON COUNTY.

Mill River Township—J. L. Cash, N. W. Passey, Sidney Gallamore, T. B. Allen.

Hendersonville Township—W. L. Miller, J. D. Dermid, G. P. Liverett, W. G. Gullick, J. R. Wilkie, J. R. Edney, L. A. Edwards, Andy Davenport, S. T. Hodges, C. T. Rodgers.

Edneyville Township—G. B. Hill, C. Oates, T. A. Whitaker.

Blue Ridge Township—A. S. Jackson, W. A. King.

Clear Creek Township—A. M. Maxwell, Sam Pittils.

Hoopers Creek Township—J. T. Sales, E. G. Cunningham, G. M. Fletcher.

Green River Township—W. A. Waters, W. N. Corbin, J. A. Pace.
Crab Creek Township—J. T. Jones.

HERTFORD COUNTY.

Hertford county.

Murfreesboro Township—W. S. Nelson, Uria Vaughan, J. C. Vinson, J. D. Babb, J. B. Barnacastle, J. R. Parker.

Winton Township—A. I. Parker, J. W. Boon, W. D. McGlan-ghan, A. C. Vann, B. G. Williams.

St. John Township—J. M. Eley, W. W. Joyner, J. L. Snipes, I. T. Askew, A. A. Early.

Manneys Neck Township—J. G. Majette, J. D. Riddick, R. J. Taylor, L. F. Lee, R. E. Lee, R. O. Whitley, John C. Taylor.

Ahoskie Township—F. G. Tayloe, J. W. Powell, A. O. King, Will. Mitchell.

Harrellsville Township—W. E. Jordan, B. Scull, Edmund Jones.

HYDE COUNTY.

Hyde county.

Currituck Township—G. G. Newman.

Ocracoke Township—M. L. Piland, T. N. Scarborough, Franklin W. Oneal, W. C. Thomas, A. B. Howard.

Currituck Township—Robert M. Dunbar.

IREDELL COUNTY.

Iredell county.

Turnersburg Township—Dr. F. B. Gaither, G. F. Dowmen, J. B. Parker.

Coddles Creek Township—C. V. Voils.

Barringers Township—John M. Overcash, A. A. Murdock, James A. Chandler.

JACKSON COUNTY.

Jackson county.

Barkers Creek Township—A. D. Jones.

Green Creek Township—Arthur Allen.

Caneyfork Township—G. T. Nicholson.

JOHNSTON COUNTY.

Johnston county.

Cleveland Township—F. T. Booker.

Pleasant Grove Township—Ed. S. Coats.

Elevation Township—J. H. Smith, Josephus Johnson, J. A. Tur-lington, D. D. Medlin.

Boon Hill Township—C. C. Lynch, D. Troy Creech, C. H. Holt, George F. Woodard.

Oneals Township—L. H. Boykin.

Wilders Township—V. R. Turley.

JONES COUNTY.

Jones county.

Chinquapin Township—W. J. Hargett, Sylvester Small.

Cypress Creek Township—J. M. Brown.

Beaver Creek Township—George Waters, B. F. Pollock, J. B. Huggins.

Tuckahoe Township—D. B. Wallace, C. L. Fordham, G. G. Noble.
White Oak Township—G. P. Rodgers, Edgar Whitty, Seth
 Waters, K. P. Hay.

Lee county.

LEE COUNTY.

Jonesboro Township—J. D. Register, T. C. Cox, J. N. Martin,
 W. S. Murchison. Two years each.
Deep River Township—C. B. Smith. Four years.
Greenwood Township—G. F. Myers.
Pocket Township—O. B. Murchison. Two years.

Lenoir county.

LENOIR COUNTY.

Kinston Township—J. G. Cox, C. E. Kennedy, T. J. Herring, E.
 B. Lewis, J. F. Boyd.
Contentnea Neck Township—J. S. Abbott, S. N. Gilbert, R. W.
 Pope.
Southwest Township—F. B. Sutton, W. B. Becton.
Pink Hill Township—George L. Smith.
Woodington Township—E. H. Waller, Millard Davenport, Clar-
 ence Humphrey.
Falling Creek Township—G. R. Pollock, Stephen Kennedy, J. F.
 Horner.
Mosley Hall Township—F. B. Fields.
Trent Township—S. S. Tyndall.
Vance Township—J. M. Perry.

Lincoln county.

LINCOLN COUNTY.

Catawba Springs Township—W. H. Lowe, John H. Nixon, O. F.
 Howard.
Ironton Township—J. E. Cronland, D. A. Troutman, S. L. Bo-
 linger.
Lineoluton Township—H. J. Crooks, John K. Cline.
Howards Creek Township—B. C. Wood, H. D. Warlick, Luther
 Sullivan.
North Brook Township—C. W. Beam, W. L. Baker, Frank Beam,
 Murray Richardson, Calvin Martin.

Macon county.

MACON COUNTY.

Briertown Township—Frank Gattis.
Franklin Township—N. P. Rankin.
Ellijay Township—J. P. Moore.

Madison county.

MADISON COUNTY.

Ward No. 1—Barnett Fortner. Six years.
Ward No. 2—James H. Guthrie. Two years.
Ward No. 3—J. M. Reems. Two years.
Ward No. 4—George W. Bryan, Jr. Four years.
No. 7 Township—J. J. Ledford, Willis Payne.

No. 8 Township—T. L. Plemmons, J. F. Askew, Garrett Ward-
rep.

No. 12 Township—S. C. Worley.

No. 13 Township—J. E. Gregory, W. J. C. Reinhart.

No. 15 Township—W. O. Conner (six years), J. A. Ball (two
years).

No. 4 Township—James Deweese. Two years.

No. 10 Township—C. A. Wallin (two years), W. A. Wallin (two
years).

No. 9 Township—J. M. Weddell, J. P. Wells.

MARTIN COUNTY.

Martin county.

Williams Township—John N. Hopkins, Joshua L. Coltrane, Wil-
liam W. Griffin, James H. Riddick.

M'DOWELL COUNTY.

McDowell county.

Marion Township—Hugh F. Little.

Glenwood Township—J. M. Haney, J. P. Burd. Two years each.

Montford Township—Carl Wilkerson.

MECKLENBURG COUNTY.

Mecklenburg
county.

Steel Creek Township—Robert M. Capps, S. W. Whitesides.

Crab Orchard Township—J. R. Hutchinson, J. C. Alexander, R.
P. King, J. W. Grier, W. S. Cochrane.

Berry Hill Township—S. S. Herron, B. T. Price.

Sharon Township—W. S. Pharr, W. F. Baker.

Providence Township—G. B. Bryant.

Clear Creek Township—J. P. Flow, J. N. Lee, C. P. Mungo.

Charlotte Township—J. C. Hunter, W. H. Hall, W. S. Alexander,
Z. T. Smith, John M. Scullion, D. C. Moore, S. H. Helton, J. L.
Davis, T. P. Ross, R. A. Dunn, W. J. Hutchinson, E. S. Williams,
Richard Moore, W. S. Huggins, J. P. C. Morris, George M. Phifer,
W. D. Alexander, C. L. Hunter, R. E. Young, J. S. Myers.

Deweese Township—J. Lee Sloan, Jr.

Lemley's Township—J. V. Knox, W. A. Cashion, J. A. Gilbert.

Long Creek Township—Mac Sample, C. R. Parks.

Huntersville Township—D. W. Mayes.

Mallard Creek Township—A. S. Kirk.

MITCHELL COUNTY.

Mitchell county.

Snow Creek Township—S. R. Hansley.

Grassy Creek Township—Dr. C. A. Peterson, N. A. Hall.

..... *Township*—L. C. Webb, W. W. Holsclaw,
Robert Deyton, Charles Baird.

MONTGOMERY COUNTY.

Montgomery
county.

Troy Township—C. J. Pool, R. B. Reynolds, John L. Allen.

Chuks Creek Township—C. E. Brookshields, D. J. Poole.

Biscoc Township—R. L. Davis, D. D. Branton, A. B. McCaskill, W. R. Paschal.

Little River Township—Daniel McLeod.

Eldorado Township—J. F. Breeton, M. C. Brewer.

Moore county.

MOORE COUNTY.

Bensalem Township—J. C. Stubbs.

Deep River Township—L. B. Street, W. J. Wadsworth.

Mineral Springs Township—M. M. Thomas, Daniel Blue.

McNeill Township—L. P. French, J. E. Buchan, T. D. McLean.

Nash county.

NASH COUNTY.

Dry Well Township—J. W. Driver (six years), John H. Strickland, E. T. Lewis (four years).

Jacksons Township—G. W. Dickinson. Four years.

Bailey Township—George W. Morgan, G. R. Finch, R. C. Glover. Four years each.

North Whitakers Township—W. T. Hearne, W. S. Baker. Four years each.

Ferrall's Township—D. E. Cone, W. B. Bergeron. Four years each.

South Whitakers Township—H. B. Ferrall, J. M. Gay, W. P. Davis. Four years each.

Griffins Township—George B. Cooper. Four years.

Stony Creek Township—J. W. Culpepper. Four years.

Coopers Township—Henry Vaughan, J. C. Taylor. Four years.

Castalia Township—G. D. Taylor, W. B. Harper, H. R. Griffin. Four years each.

Mannings Township—W. W. Sutton.

New Hanover county.

NEW HANOVER COUNTY.

Washington Township—J. J. Furlong, George Harriss.

Harnett Township—Gerrier Walker.

Wilmington Township—W. F. Jones.

Northampton county.

NORTHAMPTON COUNTY.

Jackson Township—J. S. Grant, George Pollock Burgwyn.

Gaston Township—E. M. Clements, J. H. Allen, G. R. Carstarphen.

Wiccucance Township—J. G. Bottoms, R. L. Boone.

Pleasant Hill Township—J. W. Magee.

Kirby Township—R. J. Ricks, J. B. Stephenson, B. F. Martin.

Onslow county.

ONSNOW COUNTY.

Richlands Township—W. E. Cox, J. B. Murrill.

Jacksonville Township—J. H. Mashburn, James Gurganus.

Swansboro Township—D. C. Ward, R. C. Morton, S. J. Hewett.

Stumpsound Township—James Parker, Willie Jenkins, W. C. Allen, L. Parker.

PAMLICO COUNTY.

Pamlico county.

No. 1 Township—J. E. Staplefoot, James Madison Reel, H. H. Barrow.

No. 2 Township—J. C. Ormond.

No. 3 Township—J. T. Swindell.

No. 4 Township—George E. Whitfield.

No. 5 Township—W. J. Rawls, W. R. Tingle; W. R. Hodges (for two years).

PASQUOTANK COUNTY.

Pasquotank county.

Elizabeth City Township—Joshua W. Munden, J. G. Fearing.

Providence Township—Miles E. Davis.

Salem Township—F. P. Markham, Jr.

Nixonton Township—W. H. Stanton.

Mount Hermon Township—J. W. Lane.

PENDER COUNTY.

Pender county.

Columbia Township—L. P. Rooks, A. T. Bland, A. H. Pridgen.
Two years each.

Long Creek Township—Gratten Williams, W. T. Simpson, J. E. Taylor, James Bragg Scott.

Holly Township—George W. Meeks.

Grady Township—N. W. Richards, James F. Moore.

Topsail Township—Jacob Harrell, T. E. Deal, J. C. Nixon, J. B. Davis.

PERQUIMANS COUNTY.

Perquimans county.

Belvidere Township—Joshua Jelliffe. Four years.

Parksville Township—B. A. Flethwood. Two years.

New Hope Township—W. E. Dail (four years), J. Mason White (six years).

PERSON COUNTY.

Person county.

Brandy Fork Township—W. E. Phelps, Carl Hester, J. D. K. Richmond.

Mount Tirzah Township—J. W. Noel.

Flat River Township—J. S. Noel.

Allensville Township—J. W. Montague.

Roxboro Township—N. R. Villins.

Holloways Township—T. M. Bumpass.

PITT COUNTY.

Pitt county.

Bethel Township—S. T. Carson. Two years.

Falkland Township—Abner Eason. Two years.

Beaver Dam Township—J. W. Smith. Two years.

Chicod Township—J. Marshall Cox.

Polk county.

POLK COUNTY.

Saluda Township—John G. Holbert, J. A. Forrest, J. Hannon Pace.

Coopers Gap—W. M. Thompson, J. B. Jackson, W. S. Hill, Weldon Green.

Randolph county.

RANDOLPH COUNTY.

Columbia Township—Thomas B. Barker, Y. M. C. Johnson.

Liberty Township—Wesley B. Owen, Sr., R. C. Palmer.

Asheboro Township—W. J. Teague.

Richland Township—John C. Carmelison, D. A. Comlison, J. A. Munroe.

Franklinsville Township—Monroe Gray, J. R. Sutterloh, J. V. Free.

Raudlemau Township—T. H. Mathews.

New Hope Township—R. L. Talbert.

Back Creek Township—John F. Jarral, Troy Redding.

Richmond county.

RICHMOND COUNTY.

Steeles Township—J. L. Baldwin, A. J. Little, N. C. Nicholson, W. R. Jones, S. F. Key. Four years each.

Mineral Springs Township—A. T. White, D. B. O'Brien. Four years each.

Black Jack Township—I. W. Webb, D. Henderson. Four years each.

Beaver Dam Township—W. M. Turner, W. D. Ferguson (four years each), J. H. Webb, J. L. McDonald (four years each).

Rockingham Township—W. F. Long, A. B. Nicholson, E. C. Terry, S. Biggs, George Warburton. Four years each.

Wolf Pitt Township—H. J. Rogers, F. T. Biggs. Four years each.

Marks Creek Township—J. E. Millikins, A. J. Hunt, N. D. McDonald. Four years each.

Robeson county.

ROBESON COUNTY.

Parkton Township—J. B. McCormick, J. D. Cobb, O. L. Johnson.

Lumbertou Township—D. B. McNeill, Ira L. Pope.

Orrun Township—Wesley Hedgepeth, John Atkinson, Haynes Britt.

Maxton Township—George C. Fisher.

Lumber Bridge Township—D. Z. McGougan, J. R. Culbreth, D. S. Klapp, W. A. Graham.

Wishart Township—Len Martin.

Raft Swamp Township—N. C. Stubbs, F. A. Bond.

Burnt Swamp Township—John S. Brown, Berder Humphrey, John L. McNeil, W. A. Smith.

St. Pauls Township—D. B. Lancaster.

Parkton Township—D. Mc. M. Brown.

ROCKINGHAM COUNTY.

Rockingham
county.

- Mayo Township*—N. S. Smith.
Williamsburg Township—A. B. McKinney.
New Bethel Township—M. W. Thomas, P. H. Simpson.
Leaksville Township—John A. Hopper, B. K. Terry, W. S. Hodges.
Reidsville Township—J. N. Craig.

ROWAN COUNTY.

Rowan county.

- Cold Hill Township*—J. Albert Heileg, J. H. A. Lysterly.
Providence Township—R. B. Peeler.
Morgan Township—Wesley Ketchie.
Providence Township—A. M. Eller.
Litaker Township—J. L. Shuping.
Atwell Township—George Honck.

RUTHERFORD COUNTY.

Rutherford
county.

- Golden Valley Township*—J. T. Stallings.
Morgan Township—C. J. Flack, Forest D. Coon, Verno Harris.
Chimney Rock Township—Frank Reynolds, Sr., Joseph Searsy.
Sulphur Springs Township—W. McDowell, James B. Hollifield,
 A. L. Hinson.
High Shoals Township—Q. L. Womack.

SAMPSON COUNTY.

Sampson county.

- Mingo Township*—D. M. Williford, S. D. Jackson, Archie Barefoot, Fred. Bagget.
Franklin—R. F. Highsmith, W. H. Robinson, J. S. Spell.
Turkey Township—A. T. Britt.
North Clinton—J. A. Beaman, N. B. Gibbens, M. E. Britt.
South Clinton—C. I. Robinson, J. L. Curter.
McDaniel—J. L. Cashburn.
Little Coharie—E. L. Spell, Jesse Williams, D. W. Culbreth.
Westbrook—J. R. Westbrook, Allen Doughtry.
Halls—J. C. Hobbs, E. J. King, J. F. Grantham.
Newton Grove—J. L. Westbrook, Lewis Gregory.
Piney Grove—N. W. Bell.

SCOTLAND COUNTY.

Scotland county.

- Williamson Township*—L. B. Gibson, U. N. McKenzie, J. H. O'Brien, J. A. McNeill.
Spring Hill Township—J. M. McLean.
Laurel Hill Township—J. McN. Patterson, R. N. Monroe.
Stewartsville Township—S. N. Covington, N. A. Carter, W. P. Benton, J. G. McCormick.

Stanly county.

STANLY COUNTY.

Center Township—James W. Smith. Two years.
Almond Township—L. H. Bost. Two years.
Furr Township—R. W. Simpson, V. L. Mills. Two years.
Big Lick Township—Q. E. C. Coble.

Stokes county.

STOKES COUNTY.

Sauratown Township—Saunders C. Pierson, Frank Marshall.
Meadows Township—Samuel C. Hill.
Quaker Gap Township—Joseph Francis, Williams W. Leake.
Snow Creek Township—John A. Leake, G. A. Hutchinson.

Surry county.

SURRY COUNTY.

Dobson Township—John F. Nance, Bishop M. Nichols, J. A. Walters.
Bryan Township—R. A. Doss.
Marsh Township—Eugene Draughan.
Mount Airy Township—S. W. Hutchings, T. G. Penn.
Ellen Township—W. W. Pegram.
Stewart Creek Township—T. D. Golding.

Swain county.

SWAIN COUNTY.

Nantahala Township—Andrew J. Barnes.
Charleston Township—W. A. Gileson. Six years.

Transylvania county.

TRANSYLVANIA COUNTY.

Catheys Creek Township—Whit Brooks, Jr.
Brevard Township—T. T. Loftes (four years), J. J. Patton, T. L. Gash.
Gloster Township—W. E. Hall, J. M. Owens, J. M. McCall.
Boyd Township—P. J. Woodfin, J. S. Boggs, L. F. Lyday.
Cedar Mountain Township—J. B. Stone. Four years.

Tyrrell county.

TYRRELL COUNTY.

Columbia Township—J. F. West, W. A. Swain.
Southfork Township—G. W. Bateman.

Union county.

UNION COUNTY.

Sandy Ridge Township—W. L. Hemby, G. W. Sutton, R. A. Hudson, H. L. Price.
Buiford Township—P. P. W. Plyer, R. W. A. Rodgers, Thomas L. Ninson.
Monroe Township—J. Kemp Helms, N. M. Redfearn.
Marshville Township—Gib Collins, A. J. Brooks, T. G. Collins.
Lanes Creek Township—John Richardson, P. H. Mills.
Vance Township—W. D. Hawfield, Frank Kiziah, J. C. Foard, P. C. Stinson.

Goose Creek Township—I. A. Clonts, I. C. Clonts, E. B. Pusser, T. A. J. Price, R. J. Wentz.

Monroe Township—M. L. Flow, J. W. Houston, M. H. Richardson, L. R. Helms.

Jackson Township—Columbus Hudson.

VANCE COUNTY.

Vance county.

Henderson Township—J. Y. Laundis, B. T. Brodie, W. H. Grisom.

Sandy Creek Township—W. W. Currin.

WAKE COUNTY.

Wake county.

Raleigh Township—William H. Sawyer, Charles A. Separk, Arch. J. Wood, C. M. Walters, W. T. Davis.

Buckhorn Township—J. B. Womble, R. C. Patrick, L. C. Mann.

St. Marys Township—Troy Pool.

Swift Creek Township—B. S. Franklin.

New Light Township—W. T. Perry, W. D. Landlin.

White Oak Township—H. B. Holland.

City of Raleigh Township—Thomas Badger.

House Creek Township—A. M. Thompson, S. H. Smith.

White Oak Township—Henry B. Holland.

Marks Creek Township—J. E. Owen, J. A. Wall.

WARREN COUNTY.

Warren county.

River Township—T. D. King, W. T. Carter, J. J. Myrick, B. E. King, J. R. Boyd, A. L. Pope. Four years each.

Sixpound Township—J. A. Nicholson, T. P. Shearin, J. C. Gardner, S. S. Rieeks.

Hawtree Township—John D. Newell, A. S. Webb, C. W. Cole, W. B. Rodwell.

Smith Creek Township—A. G. Haynes, W. C. Mabry.

Nutbush Township—J. H. Bullock, S. G. Champion, N. H. Paschall.

Sandy Creek Township—T. R. Blacknall, W. D. Rose, R. R. Rodwell.

Shocco Township—M. T. Duke, O. C. Davis, R. E. Robertson, J. C. Gupton.

Judkins Township—J. B. Harris, M. E. Newson, R. J. Alston, J. V. Shearin, W. R. Vaughan, J. J. Shearin.

Warrenton Township—M. B. Alston, W. T. Duke.

Fork Township—R. E. Williams, W. E. Davis.

Roanoke Township—R. E. Bradly, Henry Wall, W. C. Wall.

WASHINGTON COUNTY.

Washington county.

Scuppernong Township—J. L. Hassell.

Lees Mills Township—J. F. Tarkinton, Thomas R. Chesson.

Watauga county.

WATAUGA COUNTY.

Cove Creek Township—Bennet Smith, S. M. Green. Two years each.

Shawneechaw Township—R. L. Lowe, Robert D. Banner. Two years each.

Stony Fork Township—J. E. Luther, Colfax Carroll, Granville Norris. Two years each.

Bald Mountain Township—W. L. Davis. Two years.

Boon Township—C. J. Cottrell. Two years.

Meat Camp Township—Nahum Winberger. Two years.

Beaver Dam Township—J. M. Johnson. Two years.

North Fork Township—John J. L. Church.

Wayne county.

WAYNE COUNTY.

Brogden's Township—D. H. Overman (four years), D. S. Martin (two years).

Goldsboro Township—B. M. Denmark, J. C. Bardin (two years), M. L. Lee (two years), A. B. Hullowell (six years).

Grantham's Township—S. D. Thornson (two years), B. E. Sasser (two years).

Pikeville Township—J. B. Sykes (two years), P. B. Scott, J. R. Muskgraw (two years each).

Stony Creek Township—Jacob S. Sasser, Louis B. Pate (two years each), B. T. Person (four years).

Fork Township—Leon Howell. Four years.

Buck Swamp Township—B. T. Starling (six years), A. D. Gurley (six years).

Indian Springs Township—J. R. Murvin (six years), J. A. Her-ring (four years), A. H. Daly (four years).

Saulston Township—A. B. Parks (two years), J. J. Sutton (two years).

Wilkes county.

WILKES COUNTY.

Wilkesboro Township—C. F. Morrison.

North Wilkesboro Township—G. W. Upchurch.

Luvisee Fork Township—A. T. Parsons.

Job's Cabin Township—D. J. Church, Jobe Ashley, B. F. Proffit, H. H. Beshears.

Trap Hill Township—L. D. Lowe, Stewart Lyon, J. D. McGann, A. C. Yale.

Mulberry Township—W. E. Brewer.

Moravian Township—J. R. Parlier.

Brushy Mountain Township—A. C. Parker, M. I. Ball.

Union Township—B. F. Staley.

Wilson county.

WILSON COUNTY.

Wilson Township—R. S. Barnes, J. D. Bullock, J. F. Eason, J. T. Hinnant, J. Alvin Clark, C. L. Perry, J. B. Farmer, B. E. Barnes, J. R. Raines, R. E. Townsend.

Black Creek Township—W. W. Tomlinson, L. D. Tomlinson.

Cross Roads Township—J. H. Lamm, A. T. Barnes, L. T. Barnes.

Spring Hill Township—D. N. Hinton, C. E. Brame, J. R. Watson.

Old Field Township—A. R. Taylor, Wiley Williams, R. A. Boyette, E. B. Deans, Thomas Jordan.

Taylors Township—J. S. Thomas, W. R. Pridgen, M. Webb, T. Ruffin Watson.

Toisnot Township—W. E. Harrell, Fred. Page, H. G. Cobb, J. Fred. Carter, L. S. Farmer.

Gardens Township—George T. Johnson, W. B. Forbs, Hinson Forbs.

Saratoga Township—R. E. Bynum, Albert Bryant, G. T. Webb, Walter Owens, J. W. Bass.

Stantonsburg Township—Walter Crocker, A. P. Moore, H. E. Thompson, J. M. Whitley.

YADKIN COUNTY.

Yadkin county.

Knobs Township—Thomas L. Swain, Clinton J. Holcomb, W. S. Vestal, S. S. Wagoner, J. L. Bray, W. F. Swain, D. C. Wagoner.

Buckshad Township—R. P. Madison, R. L. Weatherman, A. S. Mathis, J. J. Angel.

Deep Creek Township—C. D. Royal, J. S. Long, J. H. Gungh.

Liberty Township—Isaac J. Cranfill.

Fall Creek Township—Davie G. Hobson, G. L. Gaylord.

Little Yadkin Township—M. W. Lillington, J. A. Turner, O. F. Stroup.

Forbish Township—Eli T. Davis, John B. Phillips.

YANCEY COUNTY.

Yancey county.

Egypt Township—W. M. Ledford. Four years.

Cain River Township—J. W. McCillister. Two years.

Jacks Creek Township—C. C. Byrd (two years), George Briggs (two years).

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1911.

CHAPTER 53.

AN ACT TO AMEND CHAPTER 645, PUBLIC LAWS OF 1909.

The General Assembly of North Carolina do enact:

SECTION 1. That section one, chapter six hundred and forty-five of the Public Laws of one thousand nine hundred and nine, be amended by striking out the word "three," in line nine, and inserting in lieu thereof the word "two"; by striking out the word

Terms of court,
Sampson county.

“two,” in line nine thereof, and by further striking out the words “sixteenth Monday after the first Monday in March, to continue one week, for the trial of civil causes only.”

SEC. 2. That this act shall be in force and effect from and after its ratification.

Ratified this the 28th day of February, A. D. 1911.

CHAPTER 54.

AN ACT TO AMEND THE REVISAL OF 1905, RELATIVE TO THE TIME FOR HOLDING SUPERIOR COURTS IN JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter twenty-eight of the Revisal of one thousand nine hundred and five, section one thousand five hundred and six, be and the same is hereby amended as follows: That after the word “weeks,” in line one, and before the word “first,” in line one, page four hundred and forty-nine of the Revisal, insert the following: “the tenth Monday after the first Monday in March, one week, for the trial of civil cases only.”

Term established.

SEC. 2. That chapter nine hundred and seven, Public Laws of one thousand nine hundred and nine, and all other laws and clauses of laws in conflict with this act be and the same are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1911.

CHAPTER 55.

AN ACT TO PROVIDE FOR THE REGISTRATION OF PLATS AND SUBDIVISIONS.

The General Assembly of North Carolina do enact:

SECTION 1. Any person, firm, or corporation, owning land in this State, who may desire to subdivide the same into smaller tracts or lots for the purpose of sale or other purpose, may have a plat or subdivision of such land recorded in the office of the register of deeds of the county in which such land or any part thereof is situated, upon proof upon oath by the surveyor making such plat or subdivision that the same is in all respects correct and was prepared from an actual survey by him made, giving the date of such survey and the variation of the magnetic needle.

Plats or subdivisions recorded on oath of surveyor.

SEC. 2. That such plats or subdivisions when so proven, and probated as deeds and other conveyances, shall be recorded either by transcribing a correct copy thereof upon or by permanently attaching the original to the records, or in a book to be designated the "Book of Plats"; and when so recorded shall be duly indexed.

Record.

SEC. 3. The register of deeds shall be entitled to charge fifty cents for attaching and indexing such subdivision or plat; and for transcribing and indexing such subdivision or plat, seventy-five cents: *Provided*, that if such subdivision or plat contains more than three lots or tracts of land, the register of deeds shall be entitled to charge twenty-five cents for transcribing each and every lot or tract of land in excess of three that is contained in such plat or subdivision, but in no case shall the fees exceed five dollars for transcribing and indexing such plat or subdivision.

Record to be indexed.
Fees of register of deeds.

SEC. 4. This act shall be in force from and after its ratification. Ratified this the 3d day of March, A. D. 1911.

Proviso: additional fees.

Limit.

CHAPTER 56.

AN ACT TO FIX THE TIME OF HOLDING THE COURTS OF THE FIFTEENTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand five hundred and six of chapter twenty-eight of the Revisal of one thousand nine hundred and five, in so far as the same affects the courts of the Fifteenth Judicial District of North Carolina, and all acts amendatory thereof, be and the same are hereby amended so as to read as follows:

FIFTEENTH DISTRICT.

The Fifteenth District shall be composed of the following counties, and the Superior Courts thereof shall be held at the following times, to wit:

District; terms of court.

Buncombe County—Sixth Monday before the first Monday in March, to continue for two weeks; first Monday after the first Monday in March, to continue for three weeks; sixth Monday after the first Monday in March, to continue for three weeks; twelfth Monday after the first Monday in March, to continue for two weeks; sixth Monday before the first Monday in September, to continue for three weeks; third Monday after the first Monday in September, to continue for three weeks, and the tenth Monday after the first Monday in September, to continue for four weeks, each of said terms for the trial of civil cases exclusively; fourth Monday before the first Monday in March, to continue for three weeks; ninth Monday after the first Monday in March, to continue for two weeks; third Monday before the first Monday in September, to continue for two weeks,

Buncombe county.

and the seventh Monday after the first Monday in September, to continue for two weeks, and the said four last-mentioned terms shall be for the trial of criminal as well as civil cases, the first week of each of said terms, or such part of said terms as may be necessary, being used for the trial of criminal cases.

Madison county.

Madison County—The first Monday before the first Monday in March, to continue for two weeks, for the trial of criminal and civil cases; eleventh Monday after the first Monday in March, to continue for one week, for the trial of civil cases exclusively; first Monday after the first Monday in September, to continue for two weeks, for the trial of criminal and civil cases, and the sixth Monday after the first Monday in September, to continue for one week, for the trial of civil cases exclusively.

Transylvania county.

Transylvania County—The fourth Monday after the first Monday in March, to continue for two weeks; first Monday before the first Monday in September, to continue for two weeks; ninth Monday after the first Monday in September, to continue for one week.

SEC. 2. That this act shall be in effect from and after the first day of July, nineteen hundred and eleven.

Ratified this the 1st day of March, A. D. 1911.

CHAPTER 57.

AN ACT PROVIDING MEDICINE AND SURGICAL APPLIANCES IN FACTORIES.

The General Assembly of North Carolina do enact:

Factories operated by machinery to keep medical or surgical chest.

SECTION 1. Every person, firm, or corporation operating a factory or shop employing over twenty-five laborers, in which machinery is used for any manufacturing purpose, or for any purpose except for elevation or for heating or hoisting apparatus, shall at all times keep and maintain free of expense to the employees a medical or surgical chest which shall contain two porcelain pans, two tourniquets, gauze, absorbent cotton, adhesive plasters, bandages, antiseptic soap, one bottle of carbolic acid with directions on bottle, one bottle antiseptic tablets, one pair of scissors, one folding stretcher, all of which shall not cost to exceed ten dollars, for the treatment of persons injured or taken ill upon the premises.

What chest to contain.

Limit of cost.

Punishment.

SEC. 2. Any person, firm, or corporation violating this act shall be subject to a fine of not less than five dollars nor more than twenty-five dollars for every week during which such violation continues.

When act effective.

SEC. 3. This act shall be in force from and after the first day of May, nineteen hundred and eleven.

Ratified this the 1st day of March, A. D. 1911.

CHAPTER 58.

AN ACT TO PROVIDE FOR THE CONSTRUCTION AND
MAINTENANCE OF A CENTRAL HIGHWAY.

The General Assembly of North Carolina do enact:

SECTION 1. That there shall be established in the manner hereinafter provided a public Central Highway, extending from some point on Beaufort Harbor, in the county of Carteret, through the counties of Carteret, Craven, Jones, Lenoir, Wayne, Johnston, Wake, Durham, Orange, Alamance, Guilford, Davidson, Rowan, Iredell, Catawba, Burke, McDowell, Buncombe, and Madison, to some point on the Tennessee State line. That the said Central Highway shall be composed, as nearly as practicable, of roads already existing; and the Highway Division of the North Carolina Geological and Economic Survey is hereby charged with the duty of selecting and designating the route of the said highway and to report the route so selected and the roads so designated to the board of trustees hereinafter provided for; and shall also report to the boards of commissioners of each county through which the said highway shall pass the route or line of road designated through such county. The duties imposed by this act upon the Highway Division of the North Carolina Geological and Economic Survey shall be considered as a part of its official duties, without additional compensation.

Central highway established. Termini and route.

Components of highway.

Selection, designation and report of route.

Duties discharged without additional compensation.

SEC. 2. That for the purpose of putting said Central Highway in order, the boards of county commissioners of each county through which the said highway shall pass are hereby authorized and empowered to appropriate out of the general county funds a sum not exceeding fifty dollars (\$50) for each and every mile of said highway in such county, and each city or town through which said highway may pass is likewise empowered to appropriate out of its general funds a sum not exceeding one hundred dollars (\$100); but if such town shall have a population in excess of one thousand persons, as ascertained by the United States census of one thousand nine hundred and ten, such town may, for such additional one thousand inhabitants as shown by said census, appropriate an additional sum of twenty-five dollars (\$25) for each and every thousand of population in excess of one thousand. That all funds appropriated by any county shall be spent within said county and under the authority of the board of commissioners of said county; and any funds appropriated by any city or town shall be expended within the county in which said city or town shall be located, and under the authority of the board of aldermen or other governing body of such city or town.

Appropriation by counties authorized.

Appropriations by municipalities.

Funds spent within county appropriating same.

SEC. 3. That in addition to the appropriations hereinbefore authorized, the boards of commissioners of the counties through which the said Central Highway shall pass are hereby authorized and empowered to use the road force of such county, whether it

County road forces.

Co-operation of county road forces.	be hired or convict, upon the said highway to such an extent as, in the opinion of the board, may be practicable. And where there be no road force in a county, the supervisor of roads shall, as far as possible, use the means available in constructing and maintaining this said Central Highway, coöperating as far as practicable with the board of trustees hereinafter provided for.
Board of trustees.	SEC. 4. That there is hereby created a Board of Trustees of the Central Highway, to be composed of one (1) member from each county through which the said highway shall pass, who shall serve for a term of four (4) years from and after the first Monday in April, one thousand nine hundred and eleven, and until their successors shall have been appointed and have qualified.
Term of office.	
Trustees named.	That the following named persons are hereby appointed members of the Board of Trustees of the Central Highway for a period of four (4) years from and after the first Monday in April, one thousand nine hundred and eleven, and until their successors shall have been appointed and have qualified, to wit: G. D. Canfield of Carteret, William Dunn of Craven, J. H. Bell of Jones, J. F. Hooker of Lenoir, G. C. Royall of Wayne, James A. Wellons of Johnston, Dr. J. M. Templeton of Wake, Dr. A. Cheatham of Durham, H. M. McIver of Orange, Capt. S. H. Webb of Alamance, Clem G. Wright of Guilford, H. B. Varner of Davidson, P. B. Beard of Rowan, R. R. Clark of Iredell, R. L. Shuford of Catawba, W. E. Walton of Burke, W. T. Morgan of McDowell, E. C. Chambers of Buncombe, and Thomas J. Murry of Madison. That the said trustees of the Central Highway shall be notified of their appointment and shall meet in the city of Raleigh, in the rooms of the Department of Agriculture, on the twentieth day of April, one thousand nine hundred and eleven, for the purpose of organization; and the Commissioner of Agriculture shall notify each member of the said board of trustees of the time and place of said meeting, and shall himself act as temporary chairman in calling together the board of trustees, and shall serve as such until a permanent chairman shall have been elected. And the said board of trustees at this meeting, or at any subsequent meeting, may appoint such local committees or boards of directors for all or any of said counties as it may think proper, and impose upon such local committees or directorates the duty of conferring with the boards of county commissioners and other road authorities in constructing and maintaining said highway in their respective counties. Said board of trustees is hereby authorized to appoint an executive committee, of not less than three (3) members; and this executive committee shall have all such powers as the said board of trustees may confer upon it; and the board of trustees is authorized to repose in said executive committee all or any part of the powers vested in said board of trustees by this act.
Notification of appointment. Meeting for organization.	
Commissioner of agriculture to give notice of time and place of meeting.	
Local committees or directorates.	
Executive committee.	
Powers.	
Appointments to fill vacancies.	The board of commissioners of each of the counties through which the said highway shall pass is authorized and empowered

to elect a successor to the member of the board of trustees from such county in case a vacancy shall occur; and in case a vacancy shall occur before the expiration of the term of office of the member from such county, the board of commissioners shall elect a successor, who shall hold office for the unexpired term of such retiring member. On the first Monday in March, one thousand nine hundred and fifteen, and quadrennially thereafter, the board of commissioners of each county through which said Central Highway shall pass shall elect its member of the Board of Trustees of the Central Highway.

Election of successors.

SEC. 5. That the Board of Trustees of the Central Highway, and their successors in office, shall constitute a body corporate and shall have power to solicit and accept gifts of money, machinery, road materials, labor, or other things of value to be used and expended by the said board of trustees, under the direction of the proper road authorities of the counties or townships, in establishing, maintaining, and improving said Central Highway as a public thoroughfare for the free and perpetual use of the public; and it shall have power to use all gifts and donations in improving the said Central Highway without regard to the county or locality. It shall also encourage and stimulate public interest in the maintenance of said highway and send representatives before any board of commissioners or other governing body of any county, city, or town to ask for appropriations of money to be used in each county, and also to advise and recommend the holding of elections to vote special taxes to be used in the construction and maintenance of said Central Highway. It shall also have power to arrange with and authorize the donation and testing upon the said highway of any improved systems of road building or dressing. It shall also have power to designate one day in each year to be known as "Road Day," on which day voluntary contributions in labor or other things of value shall be accepted to the end that the funds regularly appropriated may be supplemented by the volunteer offerings of the people and by the volunteer work of those who prefer to contribute labor rather than money. The said "Road Day" need not be uniform throughout the State, but shall be uniform throughout each county.

Trustees incorporated. Power to solicit, accept and use gifts and donations.

Use of donations and gifts.

Encouragement and stimulus of public interest. Appropriations from counties.

Elections for special taxes.

Test of improved systems.

Road day.

Road day uniform as to county.

SEC. 6. That the counties and municipalities authorized to appropriate funds for the construction and maintenance of said Central Highway under section two of this act are hereby authorized to make appropriations not exceeding the sums prescribed in said section each and every year hereafter, which sums shall be used in the improvement and maintenance of said Central Highway.

Appropriations made annually.

SEC. 7. That the Secretary of State is authorized and directed to have printed two thousand (2,000) copies of this act as soon as practicable after its ratification; and that twenty-five (25) copies of the same shall be furnished to the register of deeds of each county through which the said highway shall pass, for distribu-

Printing and distribution of act.

tion therein; ten (10) copies of the same shall be furnished each Senator and Representative from such counties; one thousand (1,000) copies furnished to the board of trustees of said Central Highway, and the remainder kept for public distribution.

Trustees not public officers.

To receive no compensation. Allowance for expenses by counties.

Trustees to elect secretary and treasurer. Reports to be made to governor.

SEC. 8. The members of the board of trustees shall not be considered to be public officers, and shall not be required to take an oath of office, and shall receive no compensation for their services out of any funds arising under this act; but any county, city, or town may provide for the payment of the necessary expenses of its own members of said board of trustees.

SEC. 9. The said board of trustees shall elect a secretary and a treasurer, or it may combine those duties and impose them on one person. Accurate accounts of all proceedings and of all receipts and expenditures shall be kept, and a report made to the Governor at the end of each calendar year.

SEC. 10. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1911.

CHAPTER 59.

AN ACT TO FIX AND DEFINE THE MOUTH OF SLADES RIVER IN HYDE COUNTY, AND TO REGULATE FISHING IN SAME.

Whereas the mouth of Slades River in Hyde County is uncertain and unfixed, and laws relative to fishing being violated: now, therefore,

The General Assembly of North Carolina do enact:

Location.

SECTION 1. That the mouth of Slades River in Hyde County be and the same is hereby fixed and located by running a straight line from Aquillas Point on Pungo River to Sandy Point on said Pungo River.

Use of nets forbidden. Exception.

SEC. 2. That it shall be unlawful for any person, firm, or corporation to set, fish, or use any kind of net except stake gill nets on the east of said line mentioned in section one of this act, in said Slades River.

Misdemeanor. Punishment.

SEC. 3. Any one violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars nor more than fifty dollars, or imprisoned not more than thirty days, in the discretion of the court.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1911.

CHAPTER 60.

AN ACT TO PROVIDE FOR THE CONSTRUCTION AND MAINTENANCE OF THE CHARLOTTE-WILMINGTON HIGHWAY.

The General Assembly of North Carolina do enact:

- SECTION 1. That there shall be established in the manner hereinafter provided a public highway, extending from Charlotte, in the county of Mecklenburg, through the counties of Mecklenburg, Union, Anson, Richmond, Scotland, Robeson, Bladen, Columbus, Brunswick, and New Hanover, to Wilmington, in the county of New Hanover. That the said Charlotte-Wilmington Highway shall be composed, as nearly as practicable, of roads already existing; and the Highway Division of the North Carolina Geological and Economic Survey is hereby charged with the duty of selecting and designating the route of the said highway and to report the route so selected and the roads so designated to the board of trustees hereinafter provided for; and shall also report to the boards of commissioners of each county through which the said highway shall pass the route or line of road designated through such county. The duties imposed by this act upon the Highway Division of the North Carolina Geological and Economic Survey shall be considered as a part of its official duties, without additional compensation.
- Public highway. Termini and route.
Roads already existing.
Selection, designation and report of route.
Duties discharged without additional compensation.
- SEC. 2. That for the purpose of putting said Charlotte-Wilmington Highway in order, the boards of county commissioners of each county through which the said highway shall pass are hereby authorized and empowered to appropriate out of the general county funds a sum not exceeding fifty dollars (\$50) for each and every mile of said highway in such county; and each city or town through which the said highway may pass is likewise empowered to appropriate out of its general funds a sum not exceeding one hundred dollars (\$100); but if such town shall have a population in excess of one thousand persons, as ascertained by the United States census of one thousand nine hundred and ten, such town may, for such additional one thousand inhabitants as shown by said census, appropriate an additional sum of twenty-five dollars (\$25) for each and every thousand of population in excess of one thousand. That all funds appropriated by any county shall be spent within said county and under the authority of the board of commissioners of said county; and any funds appropriated by any city or town shall be expended within the county in which said city or town shall be located, and under the authority of the board of aldermen or other governing body of such city or town.
- Appropriations by counties.
Appropriations by municipalities.
Funds spent within county.
Expenditure of municipal appropriation.
- SEC. 3. That in addition to the appropriations hereinbefore authorized, the boards of commissioners of the counties through which the said Charlotte-Wilmington Highway shall pass are
- Use of county road force.

hereby authorized and empowered to use the road force of such county, whether it be hired or convict, upon the said highway to such an extent as, in the opinion of the board, may be practicable, and at the same time just and fair to the other portions of said county. And where there be no road force in a county, the supervisor of roads shall, as far as possible, use the means available in constructing and maintaining this said Charlotte-Wilmington Highway, coöperating as far as practicable with the board of trustees hereinafter provided for.

Co-operation of road supervisors.

Board of trustees. SEC. 4. That there is hereby created a Board of Trustees of the Charlotte-Wilmington Highway, to be composed of one (1) member from each county through which the said highway shall pass, who shall serve for a term of four (4) years from and after the first Monday in April, one thousand nine hundred and eleven, and until their successors shall have been appointed and have qualified. That the following named persons are hereby appointed members of the Board of Trustees of the Charlotte-Wilmington Highway for a period of four (4) years from and after the first Monday in April, one thousand nine hundred and eleven, and until their successors shall have been appointed and have qualified, to wit: W. D. McMillan, Jr., of New Hanover, A. M. Chinnis of Brunswick, Klyde Council of Columbus, G. H. Currie of Bladen, A. J. McKinnon of Robeson, Tom L. John of Scotland, H. C. Parsons of Richmond, T. C. Coxe of Anson, F. G. Henderson of Union, and F. M. Shannonhouse of Mecklenburg.

One from each county.

Term of office.

Trustees named.

Notification of appointment. Meeting for organization.

Local committees.

Executive committee.

Election to fill vacancies.

Election of successors.

That the said trustees of the Charlotte-Wilmington Highway shall be notified of their appointment and shall meet in the city of Maxton on the fourth day of April, one thousand nine hundred and eleven, for the purpose of organization. And the said board of trustees at this meeting, or at any subsequent meeting, shall have power to appoint such local committees or boards of directors for any or all of said counties as it may think proper, and impose upon such local committees or directorates the duty of constructing and maintaining said highway in their respective counties. Said board of trustees is hereby authorized to appoint an executive committee, of not less than three (3) members; and this executive committee shall have all such powers as the said board of trustees may confer upon it; and the board of trustees is authorized to repose in said executive committee all or any part of the powers vested in said board of trustees by this act. The board of commissioners of each of the counties through which the said highway shall pass is authorized and empowered to elect a successor to the member of the board of trustees from such county in case a vacancy shall occur, and in case a vacancy shall occur before the expiration of the term of office of the member from such county, the board of commissioners shall elect a successor, who shall hold office for the unexpired term of such retiring member. On the first Monday in March, one thousand

nine hundred and fifteen, and quadrennially thereafter, the board of commissioners of each county through which said Charlotte-Wilmington Highway shall pass shall elect its member of the Board of Trustees of the Charlotte-Wilmington Highway.

SEC. 5. That the Board of Trustees of the Charlotte-Wilmington Highway, and their successors in office, shall constitute a body corporate and shall have power to solicit and accept gifts of money, machinery, road materials, labor, or other things of value to be used and expended by the said board of trustees in establishing, maintaining, and improving said Charlotte-Wilmington Highway as a public thoroughfare for the free and perpetual use of the public; and it shall have power to use all gifts and donations in improving the said Charlotte-Wilmington Highway without regard to the county or locality. It shall also encourage and stimulate public interest in the maintenance of said highway and send representatives before any board of commissioners or governing body of any county, city, or town to ask for appropriations of money to be used in each county, and also to advise and recommend the holding of elections to vote special taxes to be used in the construction and maintenance of said Charlotte-Wilmington Highway. It shall also have power to arrange with and authorize the donation and testing upon the highway of any improved systems of road building or dressing. It shall also have power to designate one day in each year to be known as "Road Day," on which day voluntary contributions in labor or other things of value shall be accepted, to the end that the funds regularly appropriated may be supplemented by the volunteer offerings of the people and by the volunteer work of those who prefer to contribute labor rather than money. The said "Road Day" need not be uniform throughout the State, but shall be uniform throughout each county.

Trustees incorporated.
Corporate powers.

Encouragement and stimulation of public interest.
Representatives to counties and municipalities.

Tests of improved systems.

Road day.

Road day uniform in each county.

SEC. 6. That the counties and municipalities authorized to appropriate funds for the construction and maintenance of said Charlotte-Wilmington Highway under section two of this act are hereby authorized to make an appropriation not exceeding the sums prescribed in said section each and every year hereafter, which sums shall be used in the improvement and maintenance of said Charlotte-Wilmington Highway.

Annual appropriations.

SEC. 7. That the Secretary of State is authorized and directed to have printed two thousand (2,000) copies of this act as soon as practicable after its ratification; and that twenty-five (25) copies of the same shall be furnished to the register of deeds of each county through which the said highway shall pass, for distribution therein; ten (10) copies of the same shall be furnished each Senator and Representative from such counties; one thousand (1,000) copies furnished to the board of trustees of said Charlotte-Wilmington Highway, and the remainder kept for public distribution.

Printing and distribution of law.

Trustees not public officers.

No compensation to trustees. Expenses.

Secretary and treasurer.

Reports of proceedings, receipts and expenditures to governor.

SEC. 8. The members of the board of trustees shall not be considered to be public officers; shall not be required to take an oath of office and shall receive no compensation for their services out of any funds arising under this act; but any county, city, or town may provide for the payment of the necessary expenses only of its own members of said board of trustees.

SEC. 9. The said board of trustees shall elect a secretary and a treasurer, or it may combine those duties and impose them on one person. Accurate accounts of all proceedings and of all receipts and expenditures shall be kept and a report made to the Governor at the end of each calendar year.

SEC. 10. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1911.

CHAPTER 61.

AN ACT TO AMEND SECTION 1, CHAPTER 898 OF THE PUBLIC LAWS OF NORTH CAROLINA, SESSION 1909, RELATIVE TO BUILDING AND LOAN ASSOCIATIONS.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter eight hundred and ninety-eight of the Public Laws of one thousand nine hundred and nine be and the same is hereby repealed.

SEC. 2. That section three thousand eight hundred and ninety, Revisal of one thousand nine hundred and five of North Carolina, be amended by adding the following: "The board of directors of any such association may, from time to time, by resolution adopted by a vote of at least two-thirds of all the members of the board and duly recorded on the minutes, borrow money for the association on such terms and conditions as they may deem proper: *Provided*, the money so borrowed shall be used for no other purpose than to make loans to members in regular course of business or pay maturing series of stock; *Provided further*, the total amount of money so borrowed shall at no time exceed twenty-five per centum of the amount then actually paid into said association as subscription or dues on installment shares."

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1911.

Power to borrow money.

Proviso: sole use of money borrowed.

Proviso: limit of amount.

CHAPTER 62.

AN ACT TO AMEND THE HEALTH LAWS OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. *State Board of Health, how elected.*

The Medical Society of the State of North Carolina shall choose from its members by ballot four members and the Governor of the State shall appoint five other persons (one of whom shall be sanitary engineer), and they shall constitute the North Carolina Board of Health.

Election and appointment of board.

SEC. 2. *Term of office; vacancies, how filled.*

The members of the board of health elected by the State Medical Society shall be chosen to serve for six years. Their term of office shall begin immediately upon the expiration of the meeting at which they were elected. Those appointed by the Governor shall serve for six years, their term of office beginning with the first regular meeting of the board after their appointment. In case of death or resignation the board shall elect new members to fill the unexpired terms: *Provided*, the Governor shall fill such vacancies as may occur where he has made appointments.

Terms of office.

Vacancies.

Proviso: vacancies filled by governor.

SEC. 3. *Duties of.*

The board of health shall take cognizance of the health interests of the people of the State; shall make sanitary investigations and inquiries in respect to the people, employing experts when necessary; shall investigate the causes of diseases dangerous to the public health, especially epidemics, the sources of mortality, the effect of locations, employments, and conditions upon the public health. They shall gather such information upon all these matters for distribution among the people, with the especial purpose of informing them about preventable diseases. They shall be the medical advisers of the State, and are herein specially provided, and shall advise the Government in regard to the location, sanitary construction and management of all State institutions, and shall direct the attention of the State to such sanitary matters as in their judgment affect the industries, prosperity, health and lives of the people of the State. They shall make an inspection once in each year, and at such other times as they may be requested to do so by the State Board of Charities, of all public institutions, including all convict camps under the control of the State's Prison, and make a report as to their sanitary conditions, with suggestions and recommendations, to their respective boards of directors or trustees; and it shall be the duty of the officials in immediate charge of said institutions to furnish all

Cognizance of health interests.

Investigations and inquiries.

Distribution of information.

Medical advisers.

Location, construction and management of State institutions.

Inspections.

Biennial reports. facilities necessary for a thorough inspection. The secretary of the board shall make biennially to the General Assembly, through the Governor, a report of their work.

SEC. 4. *May make regulations for certain times, when.*

Jurisdiction in times of epidemic. In times of epidemics of smallpox, yellow fever, typhoid fever, scarlet fever, diphtheria, typhus fever, bubonic plague, and cholera the State Board of Health shall have sanitary jurisdiction in all cities and towns not having regularly organized local boards of health, and are hereby empowered to make all such regulations as they may deem necessary to protect the public health, and to enforce them by suitable penalties.

SEC. 5. *Bulletins of diseases issued; rules made to check disease; pay of members for.*

Bulletins of outbreak of disease. Bulletins of the outbreak of disease dangerous to the public health shall be issued by the State board, whenever necessary, and such advice freely disseminated to prevent and check the invasion of disease into any part of the State. It shall also be the duty of the board to inquire into any outbreak of disease, by personal visits or by any method the board shall direct. The compensation of members on such duty shall be four dollars a day and all necessary traveling and hotel expenses.

Inquiries into outbreaks.

Compensation of members on duty.

SEC. 6. *Officers of; salary of secretary; pay of members.*

Officers. The State Board of Health shall have a president, a secretary who shall also be treasurer, and an executive committee, said executive committee to have such powers and duties as may be assigned it by the board of health. The president shall be elected from the members of the board and shall serve six years; the secretary-treasurer shall be elected from the registered physicians of the State and shall serve six years. The executive committee shall be composed of the president, the engineer member of the board, *ex officio*, and one other member of the board to be elected from those composing it. The executive office of the board shall be in the city of Raleigh, and the secretary shall reside there. The secretary shall be the executive officer of the board and shall, under its direction, devote his entire time to public-health work, and shall be known as the "State health officer." He shall receive for his services such yearly compensation as shall be fixed by the board, not to exceed three thousand dollars and his actual traveling and hotel expenses when engaged in the work of the board. The board may in its discretion elect as a special assistant to the State health officer for the antituberculosis work, the Secretary of the State Association for the Prevention of Tuberculosis, at an annual salary not to exceed six hundred dollars. The members of the board shall receive no pay, except that each member shall receive four dollars and necessary traveling and

Terms of office.

Executive committee.

Executive office.

Residence of secretary.

State health officer.

Compensation.

Special assistant.

Salary.

Members of board.

hotel expenses when on actual duty in attending the meetings of the board or of the executive committee or in pursuing special investigations in the State; excepted further, that the board, in its discretion, may employ the engineer member of the board as a consulting engineer for such compensation as may be agreed upon; but when attending important meetings beyond the limits of the State, the number of delegates thereto being limited to one in addition to the secretary, only actual traveling and hotel expenses shall be allowed. These sums shall be paid by the treasurer on authenticated requisition, approved and signed by the president.

SEC. 7. *Time of meeting to elect officers.*

The meeting of the State Board of Health for the election of officers shall be on the second day of the annual meeting of the Medical Society of the State of North Carolina in the year one thousand nine hundred and one and every six years thereafter.

SEC. 8. *Meetings, time of.*

Special meetings of the State Board of Health may be called by the president through the secretary. The regular annual meeting shall be held at the same time and place as the State Medical Society, at which time the secretary shall submit his annual report. The executive committee shall meet at such times as the president of the board may deem necessary, and he shall call such meetings through the secretary.

SEC. 9. *County board of health, who constitutes; election county superintendents of health.*

The chairman of the board of county commissioners, the mayor of the county town, and in county towns where there is no mayor the clerk of the Superior Court, and the county superintendent of schools shall meet together on the first Monday in April, one thousand nine hundred and eleven, and thereafter on the first Monday of January in the odd years of the calendar, and elect from the regularly registered physicians of the county, two physicians, who, with themselves, shall constitute the county board of health. The chairman of the board of county commissioners shall be the chairman of the county board of health, and the presence of three members at any regular or called meeting shall constitute a quorum. The term of office of members of the county board of health shall terminate on the first Monday in January in the odd years of the calendar, and while on duty they shall receive four dollars *per diem*, to be paid by the county. The county board of health shall have the immediate care and responsibility of the health interests of their county. They shall meet annually in the county town, and three members of the board are authorized to call a meeting of the board whenever in their opinion the public-health interest of the county requires it. They shall make such rules and regulations, pay such fees and salary, and impose

Consulting engineer.

Time of meeting to elect officers.

Special meetings.

Annual meeting.

Annual report.

Meetings of executive committee.

Members of county board of health.

Organization.

Quorum.

Term of office.

Pay.

Health interests of county.

Annual meetings.

Called meetings.

Powers.

such penalties as in their judgment may be necessary to protect and advance the public health: *Provided*, that all expenditures shall be approved by the board of county commissioners before being paid: At their first annual meeting on the second Monday of May, one thousand nine hundred and eleven, and thereafter on the second Monday of January in the odd years of the calendar, they shall elect the county superintendent of health, who shall serve thereafter until the second Monday in January of the odd years of the calendar: *Provided*, that if the county board of health of any county shall fail to elect a county superintendent of health within two calendar months of the time set in this section, the Secretary of the State Board of Health shall appoint a registered physician of good standing in the said county, who shall serve the remainder of the two years, and shall fix his compensation, to be paid by the said county, in proportion to the salaries paid by other counties for the same service, having in view the amount of taxes collected by said county.

SEC. 10. *Rules of county board of health.*

Violation of rules and regulations a misdemeanor. Punishment. If any person shall violate the rules and regulations made by the county board of health he shall be guilty of a misdemeanor, and fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

SEC. 11. *Duties of county superintendent of health; penalty for nonperformance.*

Duties of county superintendents of health. Monthly inspections and reports. Proviso: power to employ and pay other physicians. Proviso: liability of county superintendent. Proviso: duties of county superintendent exclusive-ly employed. The duties of the county superintendents of health shall be to make the medico-legal *post-mortem* examinations for the coroners' inquests, to make examination of lunatics for commitment, to render professional service to the sick inmates of the convict camp, jail, and county home, upon request of the superintendent or the keeper of these institutions, and to determine the nature of any particular disease, upon the request of the quarantine or deputy quarantine officer; to make monthly inspections of the aforesaid institutions, and to report, upon blank forms supplied and in accordance with directions furnished therewith by the State Board of Health, the result of these monthly inspections to the chairman of the board of county commissioners, and to the Secretary of the State Board of Health, not later than the fifth day of the following month: *Provided*, that the county superintendent of health shall have the right to employ and to fix the compensation of any other regularly registered physician of his county, to perform any or all of the duties pertaining to the jail, county home, or convict camp, when in his judgment it is desirable to do so: *Provided, however*, that the county superintendent of health shall still be liable for any failure on the part of the physician contracted with to carry out the provisions: *Provided further*, that if a county superintendent of health shall be employed to devote his entire time to the county public-health work, he shall

perform, in addition to the aforesaid duties, the duties of quarantine officer, and the following additional duties: he shall make a sanitary examination during the summer months of every public-school building and grounds in the county, and no school committee or teacher shall make use of any school building or grounds until the county superintendent of health shall certify in writing that said building and grounds have been inspected and found to be in a satisfactory sanitary condition within four months of the date of the certificate. He shall examine every school child that has previously been examined by the teacher according to methods furnished said teacher by the county superintendent of schools, and reported to said county superintendent of schools as probably defective in the condition of its eyes, ears, nose, or throat, and he shall further endeavor to have examined the feces of every child whom he suspects of having hookworm disease. He shall notify on blank forms and in accordance with instructions furnished by the State Department of Public Instruction, every parent or guardian of a child having any defect of the aforesaid organs, or hookworm disease, and he shall suggest to said parent or guardian the proper course of treatment and urge that such treatment be procured. He shall cooperate fully with the county board of education, the county superintendent of schools, and the teachers in the public schools, to the end that children may be better informed in regard to the importance of health and the methods of preventing disease. He shall, through the county press, public addresses, and in every available way, endeavor to educate the people of his county to set a higher value on health, and to adopt such public and private measures as will tend to a greater conservation of life. Any violation of this section shall constitute a misdemeanor, and shall subject the defendant to a fine of not less than ten dollars nor more than fifty dollars.

Examination of school buildings and grounds.

Examination of children.

Examinations for hookworms.

Notification to parents.

Co-operation with educational officers.

Educational work.

Violation of section a misdemeanor.
Punishment.

SEC. 12. *Nuisances abated under the supervision of.*

Whenever and wherever a nuisance shall exist which in the opinion of the county superintendent of health is dangerous to the public health, it shall be his duty to notify in writing the parties responsible for its continuance, of the character of the nuisance and the means of abating it. Upon this notification, the parties shall proceed to abate the nuisance: *Provided, however,* that if the party notified shall make oath or affirmation before a justice of the peace of his or her inability to carry out the directions of the superintendent, it shall be done at the expense of the town, city, or county in which the offender lives. In the latter case the limit of the expense chargeable to the city, town, or county shall not be more than one thousand dollars in any case: *Provided further,* that nothing in this section shall be construed to give the superintendent the power to destroy or injure property without a due process of law as now exists for the abatement of nuisances.

Notification to persons maintaining nuisance.

Abatement of nuisance.

Limit of expense.

Proviso: due process of law.

SEC. 13. *Nuisance; failure to abate.*

Failure to abate nuisance a misdemeanor.

If any person, firm, corporation, or municipality responsible for the existence and continuance of a nuisance, after being duly notified in writing by the county superintendent of health to abate said nuisance, shall fail to abate the same for twenty-four hours after such notice prescribed, he shall be guilty of a misdemeanor, and shall be fined two dollars a day as long as said nuisance remains.

Punishment.

SEC. 14. *Election of municipal health officer; provision for municipal health.*

Election of municipal health officer.

The authorities of any city or town, not already authorized in its charter, are hereby authorized to elect a municipal health officer when, in their judgment, municipal health would be improved thereby, and to make such regulations, pay such fees and salaries, and impose such penalties as in their judgment may be necessary for the protection and the advancement of the public health.

Regulations, salaries and penalties.

SEC. 15. *Duties of the municipal health officer; penalty for non-performance.*

Duties of municipal health officer.

The duties of the municipal health officer, within the jurisdiction of the town or city for which he is elected, shall be identical with those of the county superintendent of health for the county, with the exception of the duties of the county superintendent of health pertaining to the jail, convict camp, and county home. The authorities of any city or town shall have the power to assign the duties of quarantine officer to the municipal health officer, and in such cases the municipal health officer shall faithfully perform the duties of the quarantine officer as prescribed in sections twenty and twenty-one of this act, and shall be subject to the penalties of the aforesaid sections for refusal or nonperformance of duty. If the municipal health officer shall be employed to devote his entire time to the public-health interests of his town or city, he shall also discharge all the duties pertaining to the public schools of his town or city which were assigned in section twelve to the county superintendent of health. Any one violating any of the provisions of this section shall be guilty of a misdemeanor, and subject to a fine of not less than ten dollars nor more than fifty dollars.

Health officer exclusively employed.

Violation of section a misdemeanor.

Punishment.

SEC. 16. *Quarantine; quarantine officers.*

Duties of quarantine officer.

All laws pertaining to the reporting, recording, and quarantine of the diseases mentioned in section eighteen, and all laws pertaining to disinfection, shall be faithfully enforced by the quarantine officer. The county superintendent of health, the municipal health officer, or any other citizen shall be eligible to this office after presenting satisfactory evidence to the State Board of Health of his ability to discharge the duties of quarantine officer and after being approved by said board. After such approval

Persons eligible to appointment.

Appointment.

the chairman of the board of county commissioners on the first Monday in May, one thousand nine hundred and eleven, and thereafter on the second Monday of January in the odd years of the calendar, shall appoint a quarantine officer for his county, who shall serve thereafter until the second Monday in January of the odd years of the calendar: *Provided*, that if the chairman of the board of county commissioners of any county shall fail to appoint a quarantine officer within one calendar month of the time set in this section, the State Board of Health shall appoint said officer, who shall serve the remainder of two years.

Term of office.

Appointment by State board.

SEC. 17. *Reporting of infectious diseases by householder.*

If a householder knows that a person within his family is sick with smallpox, diphtheria, scarlet fever, measles, whooping-cough, yellow fever, typhus fever, cholera, or bubonic plague, he shall immediately give notice thereof to the quarantine officer or the deputy quarantine officer.

Householders to give immediate notice of infectious diseases.

SEC. 18. *Reporting of infectious diseases by physicians.*

If a physician suspects that a person whom he is called to visit is infected with smallpox, diphtheria, measles, whooping-cough, scarlet fever, typhus fever, yellow fever, cholera, or bubonic plague, he is hereby empowered and authorized to quarantine the individual of the household according to the quarantine rules and regulations of the State Board of Health, and he shall immediately give notice thereof to the quarantine officer or deputy quarantine officer.

Physicians to notify quarantine officer of suspects.

SEC. 19. *Reporting of infectious diseases by quarantine officer.*

The quarantine officer shall record on duplicate forms supplied by the State Board of Health and in accordance with instructions furnished therewith, all diseases reported in pursuance of sections eighteen and nineteen. The said officer receiving notice of the diseases named in sections eighteen and nineteen shall make the following report: First, the quarantine officer shall notify the Secretary of the State Board of Health, by telegram, within twenty-four hours after receiving information of the presence of yellow fever, cholera, typhus fever, or bubonic plague, of the existence of every case of the aforesaid diseases; second, the quarantine officer shall notify the teacher or principal in the school attended by members of the family of the sick child, on blank forms furnished by the State Board of Health, within twenty-four hours after receiving information of the presence of yellow fever, cholera, typhus fever, bubonic plague, diphtheria, scarlet fever, measles or whooping-cough, of the existence of every case of the said diseases; third, the quarantine officer shall mail to the Secretary of the State Board of Health, not later than the fifth day of the following month, the original record of all cases of yellow

Quarantine officers to record reports.

Reports by quarantine officer.

Report to State board.

Report to school authorities.

Monthly reports to State board.

fever, smallpox, measles, cholera, typhus fever, bubonic plague, diphtheria, scarlet fever, and whooping-cough, for the preceding month: *Provided*, that the quarantine officers are hereby empowered to appoint, if they desire, one deputy quarantine officer in each township of the county; the tenure of office of such deputy shall be terminable at the pleasure of the quarantine officer. The deputy quarantine officer, upon receiving notice of the existence of any of the diseases mentioned in sections eighteen and nineteen, shall at once notify the quarantine officer, upon suitable blank forms supplied him for this purpose, and he shall enforce the rules and regulations governing quarantine and disinfection as prescribed by the State Board of Health. The compensation of the deputy quarantine officer shall be such as is agreed upon between himself and the quarantine officer, who shall be responsible for the compensation of the deputy. The quarantine officer shall be liable for the neglect or refusal of his deputy to carry out the provisions of this act. Any householder, physician, quarantine officer, or any other person who violates the provisions of this section, shall be guilty of a misdemeanor, and upon conviction thereof shall be liable to a fine of not less than ten dollars nor more than fifty dollars, or imprisonment for not less than ten nor more than thirty days, and shall be liable to a penalty of twenty-five dollars in favor of any person who shall sue for the same. The chairman of the board of county commissioners shall be responsible for the enforcement of sections eighteen, nineteen, and twenty of this act in his jurisdiction. Failure on his part to enforce its provisions shall be a misdemeanor, and he shall be liable to a fine of not less than ten dollars nor more than fifty dollars, and it shall be the duty of the solicitor of the judicial district in which he resides, upon complaint of the Secretary of the State Board of Health, to institute criminal action for the enforcement of said fine.

Proviso: deputy quarantine officers. Deputies to notify chief. Pay of deputy. Liability of quarantine officer. Violation of section a misdemeanor. Punishment. Penalty. Responsibility for enforcement. Failure a misdemeanor. Punishment. Solicitor to prosecute.

SEC. 20. *Rules and regulations for quarantine and disinfection; penalty.*

Inland quarantine and disinfection shall be under the control of the quarantine officer, who shall faithfully enforce the rules and regulations governing quarantine and disinfection as prescribed by the State Board of Health: *Provided*, that the quarantine of ports shall not be interfered with, but the officers of the local and State board shall render all aid in their power to quarantine officers in the discharge of their duties, upon the request of the latter: *Provided further*, that any child or other person may remain in custody and care of parents or family. The failure on the part of the quarantine officer to perform the duties imposed in this section shall be a misdemeanor, and he shall be punished for each offense by a fine of not less than ten dollars nor more than fifty dollars.

Inland quarantine and disinfection. Proviso: quarantine of ports. Proviso: care and custody of children. Failure to discharge duties a misdemeanor. Punishment.

SEC. 21. *Compensation.*

The county, town, or city treasurer, as the case may be, shall pay twenty-five cents each, or more if necessary, for the execution of this act, to the quarantine officer upon presentation of a certified statement from the Secretary of the State Board of Health of the number of cases of the diseases mentioned in section nineteen reported to the said secretary for the preceding month. He shall also be paid one dollar, or more if necessary, for the execution of this act for every premises quarantined by him during the preceding month. He shall further be paid at the rate of one dollar and fifty cents, or more if necessary, for the execution of this act for each single room disinfected and one dollar for every additional room disinfected. All expense of quarantine and disinfection shall be borne by the town or county employing a quarantine officer: *Provided*, that if the chairman of the board of county commissioners can secure the execution of the provisions of this act for less than the aforesaid fees, he is hereby empowered to do so.

Fees to quarantine officer.

Expense borne by town or county.

Proviso: powers of chairman of county commissioners.

SEC. 22. *Penalty for refusal or neglect to carry out quarantine.*

If any person shall neglect or refuse to comply with the rules and regulations governing quarantine and disinfection, as provided in section twenty-one, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars nor more than fifty dollars, or imprisoned not less than ten days nor more than thirty days, at the discretion of the court. In case the offender be stricken with the disease for which he is quarantinable, he shall be subject to the penalty on recovery, unless in the opinion of the Secretary of the State Board of Health it should be omitted.

Neglect or refusal to comply with quarantine a misdemeanor.

Punishment.

SEC. 23. *The control of smallpox.*

On the appearance of a case of smallpox in any neighborhood, town, or city, the quarantine officer shall use all due diligence to warn the public of its existence and to notify the public of the proper means for preventing its spread; the said warning and notification to be according to the instructions of the State health officer. The authorities of any town, city, or county shall have authority to require children attending the public schools to present certificate of immunity from smallpox either through recent vaccination or previous attack of the disease. If any parent, guardian, school committee, principal, or teacher shall permit a child to violate such a requirement of the aforesaid authorities, he or she shall be guilty of a misdemeanor, and fined not less than ten dollars or more than fifty dollars.

Control of smallpox.

Notification to public.

Certificates of immunity.

Persons permitting violation guilty of misdemeanor.

Punishment.

SEC. 24. *Precaution against contamination.*

In the interest of the public health, every person, company, or municipal corporation or agency thereof selling water to the pub-

Protection of water from contamination.

lic for drinking and household purposes shall take every reasonable precaution to protect from contamination and assure the healthfulness of such water, and any provisions in any charters heretofore granted to such persons, companies, or municipal corporations in conflict with the provisions of this section are hereby repealed. The State Board of Health shall have the general oversight and care of all inland waters, and shall from time to time, as it may deem advisable, cause examinations of said waters and their sources and surroundings to be made for the purpose of ascertaining whether the same are adapted for use as water supplies for drinking and other domestic purposes, or are in a condition likely to impair the interests of the public or of persons lawfully using the same, or to imperil the public health. For the purpose aforesaid, it may employ such expert assistants as may be necessary. The said board shall make such reasonable rules and regulations as in its judgment may be necessary to prevent contamination and to secure other purifications as may be required to safeguard the public health. Any individual, firm, corporation, or municipality, or the person or persons responsible for management of the water supply, failing to comply with said rules and regulations, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, at the discretion of the court.

The State Board of Health shall from time to time consult with and advise the boards of all State institutions, the authorities of cities and towns, corporations or firms already having or intending to introduce systems of water supply, drainage or sewerage, as to the most appropriate source of supply, the best practical method of assuring the purity thereof; or of disposing of their drainage or sewage, having regard to the present and prospective needs and interests of other cities, towns, corporations, or firms which may be affected thereby. All such boards of directors, authorities, corporations, and firms are hereby required to give notice to said board of their intentions in the premises and to submit for its advice outlines of their proposed plans or schemes in relation to water supplies and disposal of sewage, and no contract shall be entered into by any State institution or town for the introduction of a system of water supply or sewage disposal until said advice shall have been received, considered, and approved by the said board. That for the purpose of carrying out the general provisions of this section, every municipal or private corporation, company, or individual supplying or authorized to supply water for drinking or other domestic purposes to the public shall file with the Secretary of the State Board of Health, within ninety days after the receipt of notice from said secretary, certified plans and surveys, in duplicate, pertaining to the source from which the water is derived, the possible source of infections thereof, and the means in use for the purification thereof, in accordance with the directions to be furnished by the said secretary. Failure on the

Oversight and care of inland waters, Examination of waters.

Expert assistants.

Rules and regulations.

Failure to comply a misdemeanor.

Punishment.

Consultation with institutions, municipalities and private parties on water systems.

Plans to be submitted to State board.

No contract to be made by State institutions or municipalities until plans approved by State board.

Plans of water systems to be filed.

Noncompliance with section a misdemeanor.

part of any individual, firm, corporation or municipality to comply with this section shall be a misdemeanor, and upon conviction those responsible therefor shall be fined not less than fifty dollars nor more than one hundred dollars, at the discretion of the court. Punishment.

SEC. 25. *Condemnation of lands.*

All municipalities operating water systems and sewer systems, and all water companies operating under charter from the State or license from municipalities, which may maintain public water supplies, may acquire by condemnation such lands and rights in lands and water as are necessary for the successful operation and protection of their plants, said proceedings to be the same as prescribed by law for acquiring right of way by railroad companies. Power to condemn lands. Proceedings for condemnation.

SEC. 26. *May enter upon lands to lay pipes, etc.*

For the purpose of providing water supplies, the directors or other lawful managers of any public institution of the State may enter upon the lands through which they desire to conduct their pipes for said purpose, and lay them underground, and they at all times shall have the right to enter upon said lands for the purpose of keeping the water line in repair and do all things to that end. Entry of land for laying pipes. Entry for repairs.

SEC. 27. *Compensation for land.*

If damages shall be claimed for the use of such lands, and the parties cannot agree as to the amount of compensation to be paid, they may proceed in the manner now provided by law for railroad companies to procure right of way. Assessment of damages.

SEC. 28. *Inspections of watersheds.*

Any waterworks that derive their water from a surface supply shall have a quarterly sanitary inspection of the entire watershed, except in those cases where the supply is taken from large creeks or rivers that have a minimum daily flow of ten million gallons, in which case the inspection shall apply to the fifteen miles of watershed above the waterworks intake. Such water companies shall cause to be made a sanitary inspection of any particular locality on said watershed at least once in every week, whenever in the opinion of the board of health of the city or town to which the water is supplied, or, when there is no such local board of health, in the opinion of the county superintendent of health or in the opinion of the State Board of Health, there is special reason to apprehend the infection of the water from that particular locality by the germs of typhoid fever or cholera. The inspection of the entire watershed as herein provided for shall include a particular examination of the premises of every inhabited house on the watershed, and, in passing from house to house, a general inspection for dead bodies of animals or accumulation of filth. If not intended that the term "entire watershed" shall include un- Inspections of watersheds. Inspection of localities specially suspected. Inspection defined. Entire watershed defined.

Inspection by employee of and at expense of water company. Instructions. Directions to householders.	inhabited fields and wooded tracts that are free from suspicion. The inspection shall be made by an employee of and at the expense of said water company in accordance with reasonable instructions as to methods, scope, and details, to be furnished by the Secretary of the State Board of Health. The said sanitary inspector shall give in person to the head of each household on said watershed or, in his absence, to some member of said household, the necessary directions for the proper sanitary care of his premises. It shall further be the duty of said inspector to deliver to each family residing on the watershed such literature on pertinent sanitary subjects as may be supplied him by the municipal health officer or by the Secretary of the State Board of Health.
Literature on sanitary subjects.	Full report in duplicate of all such inspections shall be made promptly to the Secretary of the State Board of Health and their accuracy certified to by the affidavit of the inspector, or such officer or person as the said secretary may direct.
Reports of inspections.	Affidavits.

SEC. 29. *Inspections of waterworks; penalty for failure.*

Failure to make inspections a misdemeanor. Punishment.	Failure on the part of those having in charge the management of public water supplies to comply with the law requiring sanitary inspections of watersheds shall be a misdemeanor and punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment for not less than ten nor more than thirty days: <i>Provided</i> , the said official does not prove to the satisfaction of the court that, in spite of reasonable effort and diligence on his part, he was prevented, directly or indirectly, by his superiors from doing his duty in this respect; in which case the said superior officer shall be deemed guilty of a misdemeanor and punished by a fine of not less than fifty dollars nor more than two hundred dollars or by imprisonment for not less than one nor more than six months.
Proviso: reasonable excuse.	Superior officer preventing inspection guilty. Punishment.

SEC. 30. *Inspectors may enter upon premises.*

Inspectors may enter on premises.	Each sanitary inspector herein provided for is authorized and empowered to enter upon any premises and into any building upon his respective watershed for the purpose of making the inspections required.
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SEC. 31. *Residents on watersheds to obey instructions.*

Residents on watershed to obey instructions.	Every person residing or owning property on the watershed of a lake, pond, or stream from which a drinking supply is obtained shall carry out such reasonable instructions as may be furnished him in the matter hereinbefore set forth directly by the municipal health officer or by the State Board of Health. Any one refusing or neglecting to comply with the requirements of this section shall be guilty of a misdemeanor and fined not less than ten nor more than fifty dollars, or imprisoned for not less than ten nor more than thirty days.
Refusal or neglect a misdemeanor. Punishment.	

SEC. 32. *Damage to water supply.*

If any person shall defile, corrupt, or make impure any well, spring, drain, branch, brook, creek, or other source of public water supply by collecting and depositing human excreta on the watershed, or depositing or allowing to remain the body of a dead animal on the watershed, or in any other manner, and if any person shall destroy or injure any pipe, conductor of water, or other property pertaining to an aqueduct, or shall aid and abet therein, he shall be guilty of a misdemeanor.

Defilement or corruption of water supply a misdemeanor. Defilement or corruption defined. Injury to water-works a misdemeanor.

SEC. 33. *Sewage not discharged in.*

No person, firm, corporation, or municipality shall flow or discharge sewage above the intake into any drain, brook, creek or river from which a public drinking-water supply is taken, unless the same shall have been passed through some well-known system of sewage purification approved by the State Board of Health; and the continued flow and discharge of such sewage may be enjoined upon application of any person.

Discharge of sewage forbidden. Remedy by injunction.

SEC. 34. *Discharging sewage into certain streams.*

If any person, firm, or corporation, or other officer of any municipality having a sewerage system in charge shall violate the provision of the law relating to discharging sewage into streams from which public water is taken, he shall be guilty of a misdemeanor.

Discharge of sewage into water supply a misdemeanor.

SEC. 35. *Towns, etc., not having sewerage system.*

All schools, hamlets, villages, towns, or industrial settlements which are now located or may be hereafter located on the shed of any public water supply not provided with a sewerage system shall provide and maintain a reasonable system approved by the State Board of Health for collecting and disposing of all accumulations of human excrement within their respective jurisdiction or control. Any one refusing or neglecting to comply with the requirements of this section shall be guilty of a misdemeanor and fined not less than ten dollars nor more than fifty dollars or imprisoned for not less than ten nor more than thirty days.

Settlements and institutions on watershed to maintain system for disposal of excreta. Refusal or neglect a misdemeanor. Punishment.

SEC. 36. *State Laboratory of Hygiene; analyses of water, sputum, blood, etc., appropriation for; tax against water companies. (Preventive treatment of rabies, chapter eight hundred and ninety-one, Laws of one thousand nine hundred and seven.)*

For the better protection of the public and to prevent the spread of communicable diseases, there shall be established a State Laboratory of Hygiene, the same to be under the control and management of the State Board of Health, and it shall be the duty of the State Board of Health to have made in such laboratory monthly examinations of samples from all public water supplies of the State (of all waters sold in bottle or other package and of

State laboratory of hygiene. Examinations of waters.

all spring waters that are maintained and treated as an adjunct to any hotel, park, or resort for the accommodation or entertainment of the public: *Provided*, that in the case of springs in connection with hotels, parks, or resorts intermittently operated, examinations of the water shall be made monthly during the period only that they are open for the accommodation and entertainment of the public; but if upon the examination of the water of any such spring it shall be found to be infected or contaminated with intestinal bacilli or other impurities dangerous to health, examinations shall be made weekly until its purity and safety are shown). The board shall also cause to be made examinations of well and spring waters when in the opinion of any county superintendent of health or any registered physician there is reason to suspect such waters of being contaminated and dangerous to health. The board shall likewise have made in this laboratory examinations of sputum in cases of suspected tuberculosis, or throat exudates in cases of suspected diphtheria, of blood in cases of suspected typhoid and malarial fever, of feces in cases of suspected hookworm disease, and such other examinations as the public health may require. For the support of the said laboratory the sum of four thousand dollars annually is hereby appropriated and an annual tax of sixty-four dollars, payable quarterly, by each and every water company, municipal, corporate, and private, selling water to the people: *Provided*, that the said annual tax for waters from springs or wells sold in bottle or otherwise shall be as follows: For springs or wells the gross annual sales from which for the previous calendar year are less than two thousand and more than one thousand five hundred dollars, fifty dollars; less than one thousand five hundred and more than one thousand dollars, forty dollars; less than one thousand and more than five hundred dollars, thirty dollars; less than five hundred and more than two hundred and fifty dollars, twenty dollars, and less than two hundred and fifty dollars, fifteen dollars; and for any spring maintained and treated as an adjunct to any hotel, park, or resort for the accommodation and entertainment of the public, fifteen dollars, and an additional tax for water sold in bottle or other package from said spring in accordance with the above schedule. Every corporation, firm, or person selling water in the manner set forth in this proviso shall file with the Treasurer of the State Board of Health, within sixty days after the passage of this act and annually thereafter in the month of January, an affidavit as to the gross amount received from sale of water for the previous calendar year, and upon this affidavit the tax for the current year shall be based. Failure to so file said affidavit within the time prescribed shall subject the said corporation, firm, or person so failing to file said affidavit to double the tax for the current year. Failure to transmit sample within five days after receipt of sterilized bottle or container from

Proviso: springs in connection with resorts.

Infected waters examined weekly.

Well and spring waters.

Other examinations.

Appropriation.

Annual tax.

Proviso: tax on sales from springs and wells.

Reports filed by water purveyors.

Double tax for failure to file report.

Failure to transmit sample a misdemeanor.

the Laboratory of Hygiene shall be a misdemeanor, and upon conviction shall subject the delinquent to a fine of twenty-five dollars. Punishment.

Transportation charges, by mail, shall be paid by the sender; by express, by the laboratory. When deemed advisable, the said Laboratory of Hygiene shall analyze samples purchased by it in the open market, in lieu of those sent direct from the spring. The said tax shall be collected quarterly by the sheriff as other taxes, and shall be paid by the said sheriff directly to the Treasurer of the State Board of Health. The printing and stationery necessary for the laboratory shall be furnished upon requisition upon the State Printer. Any person, firm, or corporation not a citizen of the State of North Carolina who shall sell or offer for sale any water in bottle or other package for consumption by the people of the State of North Carolina shall obtain a license from the Treasurer of the State Board of Health and shall pay for said license the sum of sixty-four dollars per annum, or less amount, equal to the tax paid by springs of the same class within the State, upon compliance with the condition applying to them, payable in advance: *Provided*, that satisfactory evidence of purity furnished by the State laboratory of other States agreeing to reciprocate in this matter with this State shall be accepted in lieu of the said license tax. If water sold by any person, firm, corporation, or municipality shall be discovered by three successive analyses made by the State Laboratory of Hygiene to be dangerous to the public health, publication of that fact shall be made in the monthly Bulletin of the State Board of Health. The result of said analyses shall be immediately forwarded by mail to the person, firm, corporation, or municipality selling the water so analyzed. When upon subsequent analyses the water shall be found no longer dangerous to health, a certificate thereof shall be furnished the person, firm, corporation, or municipality offering the said water for sale, and publication of the fact shall be made in the said monthly bulletin: *Provided*, that this act shall not apply to the therapeutic waters so medicated as to render them sterile, the question of their sterility to be decided by the director of the State Laboratory of Hygiene.

Transportation charges.
Analysis of purchased samples.

Collection of tax.

Printing and stationery.

License to foreign water sellers.

Proviso: evidence of purity.

Publication of infection.

Information of result of analysis.

Proviso: therapeutic waters.

SEC. 37. *Duties of solicitors to prosecute infringements.*

That for every violation of sections twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, and thirty-seven it shall be the duty of the solicitors of the several judicial districts, upon the complaint of the board of health, or any of its officers, or of any individual injured or likely to be injured, to institute a criminal action against the person, firm, corporation, or municipality charged with such violation in their respective districts, and prosecute the same.

Solicitors to prosecute offenders.

SEC. 38. *Annual appropriation.*

Appropriation.

For carrying out the provisions of this act as to the duties of the board of health, eighteen thousand dollars, or so much thereof as may be necessary, is hereby annually appropriated, to be paid by the State Auditor on requisition, to be signed by the secretary and president of the State Board of Health, and the printing and stationery necessary for the board to be furnished upon requisition upon the State Printer: *Provided*, that one thousand dollars of this appropriation be used annually by the State Board of Health to arrange for a supply of diphtheria antitoxin which shall be available to the citizens of this State at contract prices. A yearly statement shall be made to the Governor of all moneys received and expended in pursuance of this act.

Printing and stationery.

Proviso: diphtheria antitoxin.

Yearly statements.

SEC. 39. *Contingent fund.*

Contingent appropriation.

A contingent fund of five thousand dollars is appropriated, subject to the Auditor's warrant, upon the recommendation of the Governor, to be expended in pursuance of the provisions of this act, when rendered necessary by the visitation of cholera or any other pestilential disease.

SEC. 40. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 41. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1911.

CHAPTER 63.

AN ACT RELATING TO THE JURISDICTION OF THE SUPERIOR COURTS OF NASH COUNTY.

The General Assembly of North Carolina do enact:

Criminal and civil business.

SECTION 1. That the first March term and the first week of the April term of the Superior Courts of Nash County shall be both for criminal and civil business, the civil docket to be taken up after the criminal docket shall have been disposed of.

Civil business only.

SEC. 2. That the second week of the April term and the second March term of said courts shall be devoted exclusively to civil business.

SEC. 3. That chapter two hundred and thirty-one, Public Laws of one thousand nine hundred and nine, and all other laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 1st day of March, A. D. 1911.

CHAPTER 64.

AN ACT TO PROHIBIT PUTTING FELONS' STRIPES ON PERSONS CONVICTED OF MISDEMEANOR ONLY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be the duty of the several judicial officers of the State, in assigning any person to work the public roads of any county, to designate in each judgment that such as may be convicted of a felony shall wear felons' stripes, and such as are convicted of a misdemeanor shall not wear felons' stripes.

Wearing or not wearing stripes designated in judgment.

SEC. 2. That in order to carry into effect the provisions of this act, the State Prison Board shall prescribe a uniform to be worn by persons convicted of felony, and a uniform to be worn by persons convicted of a misdemeanor which shall be different and easily distinguished from the uniform of the felon: *Provided*, that the State Prison Board or other governing authority may in their discretion allow prisoners sentenced for misdemeanor only to wear clothes similar to that worn by the ordinary citizen.

Uniform for felons.

Distinctive uniform for misdemeanants. Proviso: plain clothes.

SEC. 3. The board of commissioners of the respective counties in which convicts are worked on the public roads shall provide uniforms of each kind, except in those cases exempted in section two.

Uniforms for county prisoners.

SEC. 4. That it shall be unlawful to work persons convicted of a felony in other than the uniform of a felon, or to clothe a person convicted of a misdemeanor in the uniform of a felon.

Felons to wear uniform. Unlawful to clothe misdemeanor convicts in felon's uniform.

SEC. 5. Any superintendent of convicts or other person in authority who shall violate this law shall be guilty of a misdemeanor, and fined or imprisoned, or both, in the discretion of the court; and, moreover, be liable in damage to the party aggrieved, to be recovered in a civil action, which action may be brought in either the county from which the party was sentenced or the county in which the wrong was done.

Violation of law misdemeanor. Punishment.

Liability for damage.

SEC. 6. That this act shall go into effect the first day of January, one thousand nine hundred and twelve.

When act effective.

Ratified this the 27th day of February, A. D. 1911.

CHAPTER 65.

AN ACT TO AMEND CHAPTER 28, SECTION 1506, REVISAL OF 1905, AND TO FIX THE TIME FOR HOLDING COURTS IN PENDER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That so much of section one thousand five hundred and six, chapter twenty-eight, of the Revisal of one thousand nine hundred and five as relates to the holding of the courts of Pender

County be and the same is hereby repealed, and the following be inserted in lieu thereof, to wit: "That the terms of the Superior Court for Pender County shall be held as follows: The seventh Monday before the first Monday in March, to continue one week; third Monday after the first Monday in March, to continue one week; the tenth Monday after the first Monday in March, to continue one week, for the trial of civil causes only, the first Monday after the first Monday in September, to continue two weeks."

Terms of court.

When act effective.

SEC. 2. That this act shall be in force from and after the first day of July, one thousand nine hundred and eleven.

Ratified this the 7th day of March, A. D. 1911.

CHAPTER 66.

AN ACT TO APPOINT A STATE BUILDING COMMISSION AND TO PROVIDE FOR THE ERECTION OF AN ADMINISTRATION BUILDING IN THE CITY OF RALEIGH.

Preamble. Whereas the buildings now provided by the State for the various departments of its government are inadequate for the economical and efficient administration of its affairs; and whereas valuable libraries, priceless manuscripts, historic relics, many records and much property are housed in many separate and unfit buildings, exposed to constant danger from fire; and whereas it is imperatively necessary that larger and safer quarters be provided for the same, and that a fire-proof building, adequate for the purposes intended and required, should be erected: now, therefore,

Preamble.

Preamble.

The General Assembly of North Carolina do enact:

State building commission created. SECTION 1. That a State Building Commission is hereby created, to consist of seven practical business men, who shall be appointed by the Governor, which commission shall carry out the provisions of this act, and shall be known as the State Building Commission.

Appointment by governor. Official title.

Incorporation. SEC. 2. That said commission shall be and is hereby created a body politic and corporate under the name and style of the "State Building Commission."

Corporate name.

Time and place of meeting. Term of office. SEC. 3. The said State Building Commission shall have power to fix the time and place of its meetings. The said commissioners shall hold office until the work hereinafter provided for shall have been completed, and they shall have made report of the same to the General Assembly and shall have been discharged. In the event of the death or resignation of any member of the said commission, his successor shall be appointed by the Governor. The said commissioners shall receive no compensation but their traveling expenses, including hotel bills, while actively engaged in the work of the said commission, and these expenses shall be paid out

Vacancies.

Compensation of commissioners.

- of the fund herein provided for: *Provided*, that the said State Building Commission shall under no circumstances expend or contract to expend a greater amount than that named in this act for the building completed.
- SEC. 4. Out of the funds hereinafter provided the said State Building Commission shall have power, as soon as practicable, to acquire, either by purchase or condemnation, a suitable site or sites for an Administration Building or buildings fronting on the Capitol Square, and shall proceed to erect thereon or on land already owned by the State, a fireproof building or buildings of such design or finish as in their judgment will best subserve the interest of the State, and upon such plan as may be enlarged to meet the needs of the State hereafter.
- SEC. 5. Whenever from any cause the State Building Commission cannot agree with the owners of the land upon which the State building herein provided for shall be erected as to the price to be paid for the same, said land may be taken at a valuation to be made by three freeholders of the county of Wake, one of whom shall be chosen by the State Building Commission, one selected by the landowner, and these two shall select a third; and in case the landowner refuses to select one, then the State Building Commission shall select all three; and in making said valuation said freeholders, after being duly sworn by the Governor, shall at once proceed to condemn said land and ascertain the sum which shall be paid the owners of said property and report the same to the said State Building Commission, under their hands and seals, which report, on being confirmed by the said State Building Commission and spread upon their minutes, shall have the effect of a judgment against the said State Building Commission, and shall pass title to the State of North Carolina of the lands so taken: *Provided*, that if any person on whose land the said building is to be erected, or the commissioners, be dissatisfied with the valuation thus made, then and in that case either party may appeal to the next term of the Superior Court of Wake County within ten days after the filing of such report: *Provided further*, that such appeal shall not hinder the commission from taking possession of said property.
- SEC. 6. All moneys expended, including expenses of the State Building Commission allowed in section three, by the said Building Commission in carrying out the provisions of this act shall be paid by the State Treasurer upon warrant drawn by the State Building Commission, from funds to be provided by sale of bonds according to section eight of this act.
- SEC. 7. The said Building Commission shall make reports at least once every six months to the Governor and Council of State, or as often as may be required by them, setting forth in full all their purchases and expenditures of every kind under this act. The Governor shall have power upon complaint, or upon his own motion, to remove any commissioner for neglect of duty, or for
- Proviso: limit of expenditures.
- Power to acquire sites by purchase or condemnation.
- Site to front on Capitol square.
- Building to be erected.
- Plan to be capable of enlargement.
- Condemnation of land for site.
- Selection of arbitrators.
- Arbitrators sworn by governor.
- Report to State building commission.
- Confirmation by commission to pass title to State.
- Proviso: right of appeal.
- Proviso: appeal not to delay work.
- Payments of money.
- Reports of commission.
- Power to remove commissioner.

Commissionership not an office.	any conduct unbecoming in said commissioner and inconsistent with his duties under this act. The position of commissioner under this act shall not be construed to be an office within the meaning of section seven, article fourteen of the Constitution of North Carolina.
Bond issue directed.	<p>SEC. 8. That for the purpose of carrying out the provisions of this act, the State Treasurer is hereby authorized and directed to issue bonds of the State of North Carolina, payable forty years after the first day of July, one thousand nine hundred and eleven, to an amount not exceeding the sum of two hundred and fifty thousand dollars, such bonds to be issued and sold, after due advertisement, on the best obtainable terms from time to time as the money is needed to meet the expenses of the Building Commission. Said bonds shall not be sold for less than par. All of said bonds shall bear interest at a rate not exceeding four per cent per annum, from the date of issue until paid, which said interest shall be paid semiannually on the first days of January and July of each and every year, so long as any portion of the said bonds shall remain due and unpaid. If in the progress of the work funds should be needed at a time when financial conditions should seem unfavorable for the sale of bonds, then, in his discretion, the State Treasurer may and is hereby fully authorized to negotiate a temporary loan or loans upon the best obtainable terms, and, if necessary, to pledge any of the unsold bonds as collateral therefor.</p>
Amount. Issue and sale of bonds.	
Bonds not to be sold below par. Interest.	
Temporary loans.	
Description and denomination of bonds.	<p>SEC. 9. That the bonds authorized and directed to be issued by the preceding sections shall be coupon bonds of the denominations of one hundred dollars, five hundred dollars, and one thousand dollars each, as may be determined by said State Treasurer, and shall be signed by the Governor and the State Treasurer, and shall be sealed with the Great Seal of the State. The coupons thereon may be signed by the State Treasurer, or may have a <i>facsimile</i> of his signature printed, engraved, or lithographed thereon; and the said bonds shall in all other respects be in such form as the said State Treasurer may direct.</p>
Authentication.	
Exemption from taxation.	<p>SEC. 10. The said bonds and coupons shall be exempt from all State, county, or municipal taxation or assessment, direct or indirect, general or special, whether imposed for the purposes of general revenue or otherwise, and the interest paid thereon shall not be subject to taxation as for income, nor shall said bonds or coupons be subject to taxation when constituting a part of the surplus of any bank, trust company, or other corporation, but when constituting a part of such surplus shall be deducted from the total assets in order to ascertain the taxable value of such shares.</p>
Lawful investment for fiduciaries.	<p>SEC. 11. It shall be lawful for all executors, administrators, guardians, and fiduciaries generally to invest in said bonds.</p>
	<p>SEC. 12. This act shall be in force from and after its ratification. Ratified this the 2d day of March, A. D. 1911.</p>

CHAPTER 67.

AN ACT TO AMEND CHAPTER 442 OF THE PUBLIC LAWS OF 1909, ENACTING A GENERAL DRAINAGE LAW AND PROVIDING FOR THE ESTABLISHMENT OF DRAINAGE DISTRICTS.

The General Assembly of North Carolina do enact:

SECTION 1. That section two (2) of chapter four hundred and forty-two (442) of the Public Laws of one thousand nine hundred and nine be amended by adding at the end of said section the following: "If at the time of the filing of the petition, or at any time subsequent thereto, it shall be made to appear to the court by affidavit or otherwise that the owner or owners of the whole or any share of any tract or tracts of land, whose names are unknown, and cannot after due diligence be ascertained by the petitioners, the court shall order a notice in the nature of a summons to be given to all such persons by a publication of the petition, or of the substance thereof, and describing generally the tract or tracts of land as to which the owner or owners are unknown, with the order of the court thereon, in some newspaper published in the county wherein the land is located, or in some other county if no newspaper shall be published in the first-named county, which newspaper or newspapers shall be designated in the order of the court, and a copy of such publication shall be also posted in at least three conspicuous places within the boundaries of the proposed district, and at the courthouse door of the county. Such publication in a newspaper and by posting shall be made for a period of four weeks. After the time of publication shall have expired, if no person claiming and asserting title to the tract or tracts of land and entitled to notice shall appear, the court in its discretion may appoint some disinterested person to represent the unknown owner or owners of said lands, and thereupon the court shall assume jurisdiction of the said tract or tracts of land and shall adjudicate as to the said lands to the same extent as if the true owners were present and represented, and shall proceed against the land itself. If at any time during the pendency of the drainage proceeding the true owner or owners of the lands shall appear in person, they may be made parties defendant of their own motion and without the necessity of personal service, and shall thereafter be considered as parties to the proceeding; but they shall have no right to except to or appeal from any order or judgment theretofore rendered, as to which the time for filing exceptions on notice shall have expired.

Notice by publication to unknown owners of land.

Newspaper designated in order for publication. Notices to be posted.

Appointment of representative for unknown owner.

Owners appearing made parties.

Right of exception and appeal.

Sec. 2. That section six (6) of chapter four hundred and forty-two (442) of the Public Laws of one thousand nine hundred and nine be amended by adding at the end of said section the following: "If any lands shall be excluded from said district because

Exclusion of land within outer boundaries of district.

of the court having found that such lands will not be affected or benefited, and the names of the owners of such lands have been withdrawn from such proceeding, but such lands are so situated as necessarily to be located within the outer boundaries of said district, such fact shall not prevent the establishment of the district, and said lands shall not be assessed for any drainage tax; but this shall not prevent the district from acquiring a right of way across such lands for constructing a canal or ditch or for any other necessary purpose authorized by law."

Lands excluded not assessed for drainage tax. Right of way across excluded lands.

SEC. 3. That section seventeen (17) of chapter four hundred and forty-two (442) of the Public Laws of one thousand nine hundred and nine be amended by adding at the end of such section the following: "Such appeal shall be based and heard only upon the exceptions theretofore filed by the complaining party, either as to issues of law or fact, and no additional exceptions shall be considered by the court upon the hearing of the appeal."

Appeal heard only on exceptions.

SEC. 4. That section twenty-one (21) of chapter four hundred and forty-two (442) of the Public Laws of one thousand nine hundred and nine be amended by adding at the end of such section the following: "In canvassing bids and letting the contract, the superintendent of construction shall act only in an advisory capacity to the board of drainage commissioners. The contract shall be based on the plans and specifications submitted by the viewers in their final report as confirmed by the court, the original of which shall remain on file in the office of the clerk of the Superior Court and shall be open to the inspection of all prospective bidders. All bids shall be sealed and shall not be opened except under the authority of the board of drainage commissioners and on the day theretofore appointed for opening the bids. The drainage commissioners shall have power to correct errors and modify the details of the report of the engineer and viewers if, in their judgment, they can increase the efficiency of the drainage plan and afford better drainage to the lands in the district without increasing the estimated cost submitted by the engineer and viewers and confirmed by the court."

Advisory capacity of superintendent of construction. Basis of contract.

Bid sealed. Opening bids.

Power to correct errors and modify details.

Suit on bond of contractor for work.

SEC. 5. That section twenty-three (23) of chapter four hundred and forty-two (442) of the Public Laws of one thousand nine hundred and nine be amended by striking out of the first line of said section the words "a portion of."

SEC. 6. That section twenty-five (25) of chapter four hundred and forty-two (442) of the Public Laws of one thousand nine hundred and nine be amended by adding at the end of said section the following: "When it shall become necessary for the drainage commissioners to repair any bridge or construct a new bridge across a highway by reason of enlarging any water-course, or of excavating any canal intersecting such highway, the said bridge shall thereafter be maintained by and at the expense of the board

Maintenance of bridges.

of commissioners of such county, or by such other official board or authority as by law shall be required to maintain such highway so intersected.

SEC. 7. That section twenty-eight (28) of chapter four hundred and forty-two (442) of the Public Laws of one thousand nine hundred and nine be amended by adding after the word "railroad," in line fourteen of said section, and being the second line at the top of page seven hundred and fifty-four of the Public Laws of one thousand nine hundred and nine, and before the words "in case," the following: "If the superintendent of construction and the railroad company shall not be able to agree as to the exact time at which such work can be done, including the time of beginning and the time to be consumed in such work, either party may give written notice thereof to the chairman of the Corporation Commission of the State, and thereupon the said Corporation Commission shall cause an investigation to be made, and, after hearing both parties, shall fix the time of beginning such work and the time to be consumed in such work of construction, and the final determination of the Corporation Commission thereon shall be binding upon the superintendent of construction representing the district and the railroad company, and the work shall be done in such time as may be fixed by the said Corporation Commission."

Corporation commission to settle time for beginning and completing work across right of way of railroads.

SEC. 8. That section thirty-one (31) of chapter four hundred and forty-two (442) of the Public Laws of nineteen hundred and nine be amended by striking out the section and inserting in lieu thereof the following: "After the classification of lands and the ratio of assessments of the different classes to be made thereon has been confirmed by the court, the board of drainage commissioners shall ascertain the total cost of the improvement, including damages awarded to be paid to owners of land, all costs and incidental expenses, and also including an amount sufficient to pay the necessary expenses of maintaining the improvement for a period of three years after the completion of the work of construction, after deducting therefrom any special assessments made against any railroad or highway, and, thereupon, the board of drainage commissioners, under the hand of the chairman and secretary of the board, shall certify to the clerk of the Superior Court the said total cost, ascertained as aforesaid; and the said certificate shall be forthwith recorded in the Drainage Record and open to inspection of any landowner in the district."

Ascertainment of total cost.

Certificate to clerk of court.

Record of certificate.

SEC. 9. That section thirty-two (32) of chapter four hundred and forty-two (442) of the Public Laws of nineteen hundred and nine be amended by striking out the section and inserting in lieu thereof the following: "If the total cost of the improvement is less than an average of twenty-five cents per acre on all the land in the district, the board of drainage commissioners shall forthwith assess the lands in the district therefor, in accordance with their classification, and said assessment shall be collected in one

Assessment collected in one installment.

installment, by the same officer and in the same manner as State and county taxes are collected, and payable at the same time. In case the total cost exceeds an average of twenty-five cents per acre on all lands in the district, the board of drainage commissioners shall give notice for three weeks by publication in some newspaper published in a county in which the district, or some part thereof, is situated, if there be any such newspaper, and also by posting a written or printed notice at the door of the courthouse and at five conspicuous places in the district, reciting that they propose to issue bonds for the payment of the total cost of the improvement, giving the amount of bonds to be issued, the rate of interest that they are to bear, and the time when payable. Any landowner in the district not wanting to pay interest on the bonds may, within fifteen days after the publication of said notice, pay to the county treasurer the full amount for which his land is liable, to be ascertained from the classification sheet and the certificate of the board showing the total cost of the improvement, and have his lands released from liability to be assessed for the said improvement; but such land shall continue liable for any future assessment for maintenance or for any increased assessment authorized under the law."

Notice for proposed bond issue.

Lands released from liability on payment of assessment.

Liability for future assessments.

Failure in payment assent to bond issue.

"Person" defined.

SEC. 10. That section thirty-three (33) of chapter four hundred and forty-two (442) of the Public Laws of nineteen hundred and nine be amended by striking out the section and inserting in lieu thereof the following: "Each and every person owning land in the district who shall fail to pay to the county treasurer the full amount for which his land is liable, as aforesaid, within the time above specified, shall be deemed as consenting to the issuance of drainage bonds, and in consideration of the right to pay his proportion in installments, he hereby waives his right of defense to the payment of any assessments which may be levied for the payment of bonds, because of any irregularity, illegality, or defect in the proceedings prior to this time, except in case of an appeal, as hereinbefore provided, which is not affected by this waiver. The term 'person' as used in this act, includes any firm, company or corporation."

Issue of bonds.

SEC. 11. That section thirty-four (34) of chapter four hundred and forty-two (442) of the Public Laws of nineteen hundred and nine be amended by striking out the section and inserting in lieu thereof the following: "At the expiration of fifteen days after publication of notice of bond issue the board of drainage commissioners may issue bonds of the drainage district for an amount equal to the total cost of the improvement, less such amounts as shall have been paid in in cash to the county treasurer, plus an amount sufficient to pay interest on the bond issue for the three years next following the date of issue. These bonds shall bear six per cent interest per annum, payable semiannually, and shall be

Interest. Bonds payable in installments.

paid in ten equal installments. The first installment of principal shall mature at the expiration of three years from the date of issue, and one installment for each succeeding year for nine additional years. The commissioners may sell these bonds at not less than par and devote the proceeds to the payment for the work as it progresses and to the payment of the interest on said bonds for the two years next following the date of issue and to the payment of the other expenses of the district provided for in this act. The proceeds from such bonds shall be for the exclusive use of the levee or drainage district specified on their face, and shall be numbered by the board of drainage commissioners and recorded in the drainage record, which record shall set out specifically the lands embraced in the district on which the tax has not been paid in full, which land is to be assessed as hereafter provided. If any installment of principal or interest represented by the said bond shall not be paid at the time and in the manner when the same shall become due and payable, and such default shall continue for a period of six months, the holder or holders of such bond or bonds upon which default has been made may have a right of action against said drainage district or the board of drainage commissioners of said district, wherein the court may issue a writ of mandamus against the said drainage district, its officers, including the tax collector and treasurer, directing the levying of a tax or special assessment as herein provided, and the collection of same, in such sum as may be necessary to meet any unpaid installments of principal and interest and cost of action; and such other remedies are hereby vested in the holder or holders of such bond or bonds in default as may be authorized by law; and the right of action is hereby vested in the holder or holders of such bond upon which default has been made authorizing them to institute suit against any officer on his official bond for failure to perform any duty imposed by the provisions of this act. The official bonds of the tax collector and county treasurer shall be liable for the faithful performance of the duties herein assigned them. Such bonds may be increased by the board of county commissioners."

Sec. 12. The board of drainage commissioners shall immediately prepare, in duplicate, the assessment rolls, or drainage tax lists, giving thereon the names of the owners of land in the district, so far as can be ascertained from the public records, a brief description of the several tracts of land assessed, and the amount of the assessment against each tract of land. The first of these assessment rolls shall provide assessments sufficient for the payment of interest on the bond issue to accrue the third year after their issue and the installment of principal to fall due at the expiration of the third year after the date of issue, together with such amounts as shall have to be paid for collection and handling of the same. The second assessment roll shall make like provision for the fourth

Maturity of installments.

Sale of bonds at not less than par. Application of proceeds.

Specific appropriation.

Record of bonds.

Right of action on bonds on default of payment.

Remedy by mandamus.

Right of action on bonds of officers.

Liability on official bonds.

Increase of official bonds.

Assessment rolls in duplicate.

First assessment.

Succeeding assessments.

year; the third for the fifth year; the fourth for the sixth year; the fifth for the seventh year; the sixth for the eighth year; the seventh for the ninth year; the eighth for the tenth year; the ninth for the eleventh year; the tenth for the twelfth year. Each of said assessment rolls shall specify the time when collectible and be numbered in their order, and the amounts assessed against the several tracts of land shall be in accordance with the benefits received, as shown by the classification and ratio of assessments made by the viewers. These assessment rolls shall be signed by the chairman of the board of drainage commissioners and by the secretary of the board. One copy of each of the said assessment rolls shall be filed with the drainage record and one copy shall be delivered to the sheriff, or other county tax collector, after the clerk of the Superior Court has appended thereto an order directing the collection of said assessments, and the said assessments shall thereupon have the force and effect of a judgment as in the case of State and county taxes. These assessments shall constitute a first and paramount lien, second only to State and county taxes, upon the lands assessed for the payment of said bonds and interest thereon as they become due, and shall be collected in the same manner and by the same officers as the State and county taxes are collected. The said assessments shall be due and payable on the first Monday in September each year, and if the same shall not be paid in full by the thirty-first day of December following, it shall be the duty of the sheriff or tax collector to sell the land or lands so delinquent. The sale of lands for failure to pay such assessments shall be made at the courthouse door of the county in which the lands are situated, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon of the first Monday in February of each year; and if for any necessary cause the sale cannot be made on that date, the sale may be continued from day to day for not exceeding four days, or the lands may be readvertised and sold on the first Monday in March succeeding during the same hours without any order therefor. In all other respects, except as to time of sale of lands, the existing law as to the collection of State and county taxes shall have application to the collection of drainage assessments under this act. It shall be the duty of the sheriff or tax collector to pay over to the county treasurer promptly the moneys so collected by him upon said tax assessments, to the end that the said treasurer may have funds in hand to meet the payments of interest and principal due upon the outstanding bonds as they mature. It shall be the duty of the county treasurer, and without any previous order from the board of drainage commissioners, to provide and pay the installments of interest at the time and place as evidenced by the coupons attached to said bonds, and also to pay the annual installments of the principal due on said bonds at the time and place as

Specifications of assessment rolls.

Authentication.

Copy of roll filed with drainage record.
Copy to sheriff with order for collection.

Assessments to have force of judgment.
Lien of assessment paramount.

When assessments due.

Collection of assessments.
Sale of lands.

Sheriff to settle promptly.

Payments of interest.

Payments on principal.

evidenced by the said bonds; and the said county treasurer shall be guilty of a misdemeanor and subject upon conviction to a fine and imprisonment in the discretion of the court if he shall willfully fail to make prompt payments of the said interest and principal upon said bonds, and shall likewise be liable in a civil action for all damages which may accrue either to the board of drainage commissioners or the holder of said bonds, to either or both of which a right of action is hereby given.

SEC. 13. That the fee allowed the sheriff or other county tax collector for collecting the drainage tax as prescribed in section thirty-four of chapter four hundred and forty-two of the Public Laws of one thousand nine hundred and nine shall be two per cent of the amount collected, and the fee allowed the county treasurer for disbursing the revenue obtained from the sale of the drainage bonds shall be one per cent of the amount disbursed: *Provided*, no fee shall be allowed the sheriff or other county tax collector or county treasurer for collecting or receiving the revenue obtained from the sale of the bonds provided for in section thirty-four of chapter four hundred and forty-two of the Public Laws of one thousand nine hundred and nine, nor for disbursing the revenue raised for paying off the said bonds: *Provided further*, that in those counties where the sheriff or tax collector and treasurer are on a salary basis, no fees whatever shall be allowed for collecting or disbursing the funds of the drainage district.

SEC. 14. That the State Treasurer shall pay the compensation and expenses of the drainage engineer and his necessary assistants as provided in section two of chapter four hundred and forty-two of the Public Laws of one thousand nine hundred and nine, according to an itemized statement approved by the clerk of the court, to whom the petition for a drainage district was made, and the State Geologist, upon warrant of the State Auditor, out of any money in the State Treasury to the credit of the Department of Agriculture: *Provided*, that said sum or sums shall be refunded to the State Treasurer to the credit of the Department of Agriculture by the petitioners for the drainage district if the drainage district is not established: *Provided further*, that if the drainage district is established said sum or sums shall be refunded to the State Treasury to the credit of the Department of Agriculture out of the first moneys received from the sale of the bonds of said drainage district: *Provided*, that the total amount loaned by the State Treasury out of funds to the credit of the Department of Agriculture for the purpose set forth in this section shall never exceed fifteen thousand dollars (\$15,000) at any one time: *Provided further*, that not more than two thousand dollars shall be advanced to any one district; and *Provided further*, that before any advancement is made for the purposes herein expressed, the bond of the petitioners required by section two of said chapter shall be first approved by the Attorney-General.

Failure by county treasurer a misdemeanor. Punishment.

Liability for damages.

Fee for collecting assessments.

Fee of county treasurer.

Proviso: no commission on proceeds of bonds.

Proviso: salaried officers not allowed fees.

State to pay drainage engineer and assistants.

Proviso: repayment if district not established.

Proviso: repayment if district is established.

Proviso: limit of total amount.

Proviso: limit to one district. Proviso: approval of bond of petitioners.

SEC. 15. That section thirty-five of chapter four hundred and forty-two of the Public Laws of one thousand nine hundred and nine be amended by adding thereto the following: "If any person, or any number of persons, claiming to have title to any tract or tracts of land subject to assessment or drainage tax shall fail to pay any annual assessment levied against such lands, and the sheriff or tax collector shall be compelled to sell such lands under the law for the purpose of making such collection, the net proceeds of such sale shall be paid to the county treasurer, to be held by him and disbursed for the purpose of paying the current assessment and future annual assessments so far as the said proceeds may be sufficient. When the fund in the custody of the treasurer shall be exhausted in the payment of annual assessments against such lands, or there shall not be a sufficient sum to pay the next annual assessment, the county treasurer shall immediately give written notice to that effect to the chairman of the board of drainage commissioners of the district, and also to the clerk of the Superior Court, whereupon the board of drainage commissioners shall institute an investigation of said tract or tracts of land to determine its market value, and if they shall find that its market value is not equal to all the future annual assessments to cover its share of installments of principal and interest on the outstanding bonds, they shall proceed, with the approval of the clerk of the Superior Court, to make new reassessment rolls on all the remaining lands in the district and increase the sum in sufficient sums to equal the deficit thereby created, and such new assessment rolls shall constitute the future assessment rolls until changed according to law, and shall be certified to the tax collector as herein provided in lieu of the former assessment rolls. However, the said tract or tracts of land which have been so sold by the tax collector shall continue on the assessment roll in the name of the new owner, but reassessed upon the new basis, and the drainage tax collected at the same time and in the same manner as other lands as long as said lands may have sufficient market value out of which to collect the annual drainage tax, and when such lands shall cease to have such value, or shall be abandoned by the person claiming title thereto, the drainage commissioners may omit the same from the assessment roll with the approval of the clerk of the Superior Court, but the said lands may in the same manner at any time in the future be restored to the assessment rolls. If the funds in the hands of the county treasurer at any time, arising under this section or in any other manner, shall be greater than is necessary to pay the annual installments of principal and interest, or the annual cost of maintenance of the drainage works, or both, such surplus shall be held by the county treasurer for future disbursement for other purposes as herein provided or subject to the order of the board of

Proceeds of sale of land for non-payment of assessments held for future assessments.

Notice of exhaustion of fund.

Investigation of value of land.

Reassessment of remaining lands.

Certificate to tax collector.

Reassessment of lands to new owner.

Lands omitted from assessment roll.

Surplus held for future disbursements.

drainage commissioners. If there shall be any impairment or destruction of the drainage works by any unforeseen cause or occurrence not anticipated, during the period of construction by the contractor, the said contractor shall nevertheless repair and complete the said works according to the contract and specifications and shall be liable therefor and also, his sureties on his bond; but if said contractor shall make default and if there shall be a failure to collect all resulting damages from such contractor and the sureties upon his bond, and it shall thereby be necessary to raise a greater sum of money to complete the drainage works in accordance with the plans, or if for any other unavoidable cause it shall be necessary to raise a greater sum to complete such drainage works, the board of drainage commissioners, having first obtained the approval of the clerk of the Superior Court, shall prepare new assessment rolls upon all the lands in the district upon the original basis of classification of benefits and increase the same in sufficient sums to equal the deficit thereby created, and the same shall constitute the new assessment rolls until changed according to law, and shall be certified to the tax collector as herein provided. If for any of the causes hereinbefore recited in this section, or for any other cause, a sum of money greater than the proceeds of sale of the drainage bonds shall become necessary to complete said drainage system, and the board of drainage commissioners shall determine that the amount to be raised is greater than can be realized from the collection of one annual assessment upon the lands in the district without imposing an undue burden upon said lands, or if it is advisable or necessary to raise the money more expeditiously, then and under such conditions additional bonds may be issued in such aggregate sum as may be necessary. The proceedings for the issue of such additional bonds shall be substantially as follows: The board of drainage commissioners shall file their petition with the clerk of the Superior Court, setting forth all the facts which require the expenditure of more money and the issue of additional bonds to complete the drainage system, which shall be accompanied by the recommendation of the drainage engineer, who was one of the original viewers, or some other expert drainage engineer selected by the drainage commissioners; whereupon the court shall issue a notice to all the owners of land within the district reciting the substance of the petition and directing each to appear before the court on a day certain, not less than twenty days after the service upon all the parties, and to show cause, if any they have, why the additional bonds should not be authorized, which notice shall be served personally on each such landowner by reading the same, and by leaving a copy, and if the same cannot be personally served, then it shall be served in the manner authorized by law. Any landowner may file an answer denying any material

Impairment or destruction of drainage works at risk of contractor.

New assessment rolls on failure of contractor.

Certificate to tax collector. Additional bond issue.

Proceedings for issue of additional bonds. Petition of commissioners.

Recommendation of drainage engineer.

Notice to land-owners.

Service of notice.

Answers by land-owners.

CHAPTER 68.

AN ACT TO AMEND SECTION 1506 OF CHAPTER 28 OF THE REVISAL OF 1905, RELATIVE TO TIME OF HOLDING THE SUPERIOR COURT OF DAVIDSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand five hundred and six of chapter twenty-eight of the Revisal of one thousand nine hundred and five be and the same is hereby amended as follows: Insert after the words "seventh Monday after the first Monday in March," in that part of said section relating to the courts of Davidson County, the words "thirteenth Monday after the first Monday in March, for two weeks." Term established.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1911.

CHAPTER 69.

AN ACT TO AMEND SECTION 1039 OF THE REVISAL OF 1905.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand and thirty-nine, chapter eighteen of the Revisal of one thousand nine hundred and five, be and the same is hereby amended by striking out the words "not exceeding at the time of executing the instrument herein provided for the sum of three hundred dollars," in lines two and three. Limit of chattel mortgages.

SEC. 2. That this act shall be in full force and effect from and after its ratification.

Ratified this the 3d day of March, A. D. 1911.

CHAPTER 70.

AN ACT TO AMEND THE CALLS OF LAND GRANT No. 298, IN TRANSYLVANIA COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That land grant number two hundred and ninety-eight, which was in Jackson County when said grant was issued, but which is now in Transylvania County, be and the same is hereby corrected and amended so as to make the calls therein agree with the plat, and the same shall read as follows: A tract Land grant corrected. Metes and bounds.

of land containing six hundred and forty acres, lying and being in the county of Jackson on the waters of Toxaway River, beginning at a Spanish oak south of the summit of the John Fisher Ridge and west of his other six-hundred-and-forty-acre survey, and runs east eighty poles with his own line to a stake; thence south six hundred and fifty poles to a stake; thence south eight east two hundred and seventy poles; thence west three hundred and forty poles to a stake; thence north eight west three hundred and seventy poles to the beginning.

Secretary of State to correct State record.
Register of deeds to correct county records.

Proviso: pending suits and vested rights not affected.
Grant subject to attack for fraud.
Proviso: location of other lands.

Proviso: limit of effect of act.

SEC. 2. That the Secretary of State is hereby authorized to correct said grant upon the records of his office, and the register of deeds of the county of Transylvania, upon presentation to him of a duly certified copy of this act, is hereby authorized to correct said grant upon the records of his office in accordance with this act: *Provided*, that this act shall not apply to pending suits either in the State or United States courts, nor shall it affect any vested rights, and the said grant may be attacked for fraud as if this act had not passed: *Provided further*, that nothing contained in this act shall be held or construed as locating any line or corner of any other tract, nor shall same be used as evidence in any court for said purpose: *Provided further*, that this act shall have no other or further effect than to correct the calls of said grant.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1911.

CHAPTER 71.

AN ACT TO AUTHORIZE ANY COUNTY IN NORTH CAROLINA TO VOTE UPON THE LEVYING AND COLLECTION OF A SPECIAL TAX ON PROPERTY AND POLLS TO SUPPLEMENT THE COUNTY SCHOOL FUND OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Election to be ordered on petition of county board of education.
Question to be submitted.

SECTION 1. That the county commissioners of any county, upon the petition of the county board of education of said county, may order an election to be held in said county to ascertain the will of the people whether there shall be levied on all taxable property and polls of said county a special tax, not to exceed thirty cents on the one hundred dollars valuation of property and ninety cents on each poll, to supplement the county school fund of said county.

Law governing election.

SEC. 2. That said election shall be conducted for the county as nearly as may be under the same rules and regulations governing

district special school-tax elections, as set out in section four thousand one hundred and fifteen of the Revisal of one thousand nine hundred and five of North Carolina.

SEC. 3. That in case a majority of the qualified voters at said election shall vote in favor of said tax, the same shall be annually levied and collected in the same manner and at the same time as other taxes of the county are levied and collected. Tax to be levied and collected.

SEC. 4. That in case a majority of the qualified voters at said election in any township of said county shall vote for said special tax, the same shall be annually levied and collected in said township in the same manner and at the same time as other taxes are levied and collected, and used to supplement the school fund of said township. Tax to be levied and collected in townships.

SEC. 5. That in case a majority of the qualified voters at said election in any township or in the entire county shall vote in favor of said special tax, on petition of a majority of the members of the board of trustees of the school committee of any existing special-tax district within said township or county so voting, the county commissioners shall reduce the annual special local-tax levy of said district by an amount not exceeding the special levy provided for the county or township under this act. Reduction of tax in special-tax districts.

SEC. 6. That in case a majority of the qualified voters at said election in any county shall fail to vote for said special tax, on petition of a majority of the members of the county board of education of said county, the county commissioners may, after thirty days' notice, order an election in any subsequent year after the first election for the same purpose and under the same regulations as the first election herein provided for in any or all of the townships of said county that shall have failed to carry said special tax in the former election. Subsequent elections.

SEC. 7. That the expense of holding said election shall be paid out of the county school fund of said county. Expense of election.

SEC. 8. That this act shall be in full force and effect from and after its ratification.

Ratified this the 3d day of March, A. D. 1911.

CHAPTER 72.

AN ACT TO AMEND CHAPTER 914, PUBLIC LAWS OF 1907, RELATIVE TO HOLDING COURTS IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Amend by adding after the word "civil" in section one (1), in line six (6), the words "and criminal," and striking out the word "only" in last line in said section. Jurisdiction.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1911.

CHAPTER 73.

AN ACT TO PROVIDE FOR THE REDEMPTION OF CERTAIN BONDS FALLING DUE JANUARY 1, 1913, AND FOR MEETING THE DEFICIENCY CREATED IN THE STATE TREASURY BY THE APPROPRIATIONS MADE IN EXCESS OF THE REVENUES RECEIVED.

Preamble.

Whereas the Governor in his message has stated that "The Legislature two years ago appropriated over three hundred thousand dollars more than our revenues. I most urgently request

Recommendations of governor.

that you practice economy in appropriations, and that you do not appropriate more money than the reasonably certain amount of revenue which you may provide, without also providing for securing the necessary funds. I also urgently recommend that the State Treasurer be authorized, upon the approval of the Governor and his council, to borrow whatever money is sufficient to cover the difference between the amount appropriated and the revenue received by the Treasurer for any fiscal year." And, "The State needs more revenue. It is doing magnificent work in her various efforts to relieve misfortune, educate the youth, and uplift the people"; and the State Treasurer, in his report dated December fifteenth, one thousand nine hundred and ten, makes this admission: "My report shows that there is no balance to the credit of

Report of deficit.

the general fund of the State. In fact, I have been forced to draw upon the advance payments on account of one thousand nine hundred and eleven to the amount of twelve thousand one hundred and eighteen dollars and eighty-seven cents, and, in addition to this, is to be added outstanding obligations of the State amounting to three hundred and thirty-seven thousand two hundred and sixty-seven dollars and ninety-five cents, making a total deficit of three hundred and forty-nine thousand three hundred and forty-five dollars and eighty-two cents, as shown in the detailed statements that follow"; and also, "I desire to call attention of the

Bonds falling due.

General Assembly to the fact that on January first, one thousand nine hundred and thirteen, there will come due five hundred and fifty thousand dollars in short-term bonds. Provision for the payment of these bonds will have to be made at the present session of the General Assembly, for the reason that the bonds become due before another session": now, therefore,

Provision for payment.

The General Assembly of North Carolina do enact:

Bond issue authorized for payment of bonds maturing.

SECTION 1. That for the purpose of paying off the bonds of the State by virtue of chapter seven hundred and fifty of the Public Laws of one thousand nine hundred and three and chapter five hundred and forty-three of the Public Laws of one thousand nine hundred and five, all of which bonds fall due on the first day of January, one thousand nine hundred and thirteen, the State Treas-

urer is hereby authorized and directed to issue bonds of the State of North Carolina, payable forty years after the first day of January, one thousand nine hundred and thirteen, to an amount not to exceed the sum of five hundred and fifty thousand dollars.

SEC. 2. All of said bonds shall bear interest at a rate not exceeding four per cent per annum from the first day of January, one thousand nine hundred and thirteen, until paid, which said interest shall be payable semiannually on the first days of January and July of each and every year, so long as any portion of the said bonds shall remain due and unpaid.

SEC. 3. That the bonds authorized and directed to be issued by the preceding sections shall be coupon bonds of the denomination of five hundred dollars and one thousand dollars each, as may be determined by said State Treasurer, and shall be signed by the Governor and the State Treasurer and sealed with the Great Seal of the State. The coupons thereon may be signed by the State Treasurer alone, or may have a *facsimile* of his signature printed, engraved, or lithographed thereon; and the said bonds shall in all other respects be in such form as the said State Treasurer may direct, and the coupons thereon shall, after maturity, be receivable in payment of all taxes, debts, dues, licenses, fines, and demands due the State of North Carolina, of any kind whatsoever, which shall be expressed on the face of said bonds. Before selling the bonds herein authorized to be issued, the Treasurer shall advertise the sale and invite sealed bids in such manner as in his judgment may seem to be the most effectual to secure the best price. He is authorized to accept bids for the entire issue or of any portion thereof, and, where the conditions are equal, he shall give the preference of purchase to the citizens of North Carolina; and he is authorized to sell the bonds herein authorized in such manner as in his judgment will produce the best price. Any balance left in the hands of the State Treasurer from the sale of said bonds, after paying the said bonds falling due January first, one thousand nine hundred and thirteen, and the costs of issuing the bonds herein provided for, shall be covered into the general fund.

SEC. 4. The said bonds and coupons shall be exempt from all State, county, or municipal taxation or assessment, direct or indirect, general or special, whether imposed for the purposes of general revenue or otherwise, and the interest paid thereon shall not be subject to taxation as for income, nor shall said bonds and coupons be subject to taxation when constituting a part of the surplus of any bank, trust company, or other corporation.

SEC. 5. It shall be lawful for all executors, administrators, guardians, and fiduciaries generally to invest in said bonds.

SEC. 6. If the financial conditions, at the time the said bonds issued by virtue of the Laws of one thousand nine hundred and three and one thousand nine hundred and five shall become due, are unfavorable for the sale of bonds, then in his discretion the

Maturity.

Amount.

Interest.

Description and denomination.

Authentication of bonds and coupons.

Coupons receivable for taxes.

Advertisement of sale.

Bids.

Preference to citizens of this State.

Surplus to general fund.

Exemption from taxation.

Bonds lawful investment for fiduciaries.

Temporary loans in place of bond issue.

State Treasurer may, and he is hereby fully authorized to negotiate a temporary loan or loans upon the best obtainable terms, and execute his note therefor, and if necessary to pledge any of the unsold bonds as collateral therefor, and is further authorized to pay the reasonable expenses necessary to obtaining said temporary loan or loans.

Temporary loan
to meet deficiency.

SEC. 7. That in order to meet the deficiency in the State Treasury on account of appropriations in excess of the revenues, as recited in the preamble to this act, the State Treasurer be and is hereby authorized to borrow a sum not exceeding three hundred thousand dollars and to execute therefor his note payable not more than two years from the date of said note, the said note to bear interest at a rate to be agreed upon between the Treasurer and the party or parties from whom the money may be borrowed.

SEC. 8. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1911.

CHAPTER 74.

AN ACT TO REPEAL CHAPTER 565, PUBLIC LAWS OF 1909, RELATING TO THE COURTS OF HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Law repealed.

SECTION 1. That chapter five hundred and sixty-five, Public Laws of one thousand nine hundred and nine, be and the same is hereby repealed.

SEC. 2. That this act shall be in force and effect from and after its ratification.

Ratified this the 3d day of March, A. D. 1911.

CHAPTER 75.

AN ACT TO REPEAL CHAPTER 578, PUBLIC LAWS OF 1909, RELATIVE TO THE TIME FOR HOLDING COURTS FOR SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

Law repealed.

SECTION 1. That chapter five hundred and seventy-eight, Public Laws of one thousand nine hundred and nine, be and the same is hereby repealed.

SEC. 2. That this act shall be in full force and effect from and after its ratification.

Ratified this the 7th day of March, A. D. 1911.

CHAPTER 76.

AN ACT REQUIRING ENTRY OF SATISFACTION OF JUDGMENTS ON THE CROSS INDEXES.

The General Assembly of North Carolina do enact:

SECTION 1. Entries of payment or satisfaction on the judgment docketed in the office of the clerk of the Superior Court, by any person other than the clerk, shall be made in the presence of the clerk or his deputy, who shall witness the same, and when entries of full payment or satisfaction have been made, the clerk, or his deputy, shall enter upon the judgment index kept by him, opposite and on a line with the names of the parties to the judgment, the words "Paid" or "Satisfied."

Entries witnessed by clerk or deputy.
Full satisfaction entered on index by clerk or deputy.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1911.

CHAPTER 77.

AN ACT TO CHANGE THE BOUNDARY LINES BETWEEN THE COUNTIES OF ASHE AND WILKES.

The General Assembly of North Carolina do enact:

SECTION 1. That the boundary line between Ashe and Wilkes counties is hereby changed as follows: All the lands of James M. Calloway now lying in Ashe County are hereby transferred to the county of Wilkes, and hereafter said lands shall be assessed for taxes and taxes shall be paid thereon to the county of Wilkes.

Lands transferred to Wilkes county.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 3d day of March, A. D. 1911.

CHAPTER 78.

AN ACT AMENDATORY OF CHAPTER 668 OF THE PUBLIC LAWS OF 1907, RELATING TO THE JUNE TERM OF THE SUPERIOR COURT FOR EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter six hundred and sixty-eight of the Public Laws of one thousand nine hundred and seven be amended by striking out all of said section after the word "weeks," in line six, and inserting in lieu thereof the words "for the trial of both civil and criminal cases."

Jurisdiction.

SEC. 2. That section two of said chapter be stricken out, and the numbering of section three so changed as to read "section two."

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1911.

CHAPTER 79.

AN ACT TO CHANGE THE TIME OF HOLDING COURTS IN WARREN COUNTY.

The General Assembly of North Carolina do enact:

Terms of court.

SECTION 1. That the time for holding terms of court for Warren County in the Second Judicial District shall be as follows: Seventh Monday before the first Monday in March, to continue for two weeks; fifteenth Monday after the first Monday in March, to continue for two weeks; second Monday after the first Monday in September, to continue for two weeks.

SEC. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A. D. 1911.

CHAPTER 80.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF SURVEYORS TO LOCATE AND ESTABLISH THE DIVIDING LINE BETWEEN WAYNE AND WILSON COUNTIES.

Preamble.

Whereas there is now and has been for several years past doubt as to the exact location of the dividing line between Wayne and Wilson counties; and whereas it is desirable that the said dividing line be located and established so that there can be no further controversy as to the correct line between said counties: now, therefore,

The General Assembly of North Carolina do enact:

Appointments of surveyors.

SECTION 1. That the Board of Commissioners of Wayne County shall, at their meeting on the first Monday in April, one thousand nine hundred and eleven, appoint a competent surveyor to represent the said county in the location of the dividing line between

Wayne and Wilson counties; that the Board of Commissioners of Wilson County shall, at their meeting on the first Monday in April, one thousand nine hundred and eleven, appoint a competent surveyor to represent the said county in the location of the dividing line between Wayne and Wilson counties.

SEC. 2. That it shall be the duty of the said surveyors, on or before the first of May, one thousand nine hundred and eleven, after due notice to the boards of commissioners of Wayne and Wilson counties, to proceed to locate and establish the dividing line between Wayne and Wilson counties: *Provided*, that if the said surveyors are unable to agree upon the location of the said line they shall certify the fact that they are unable to agree to the Governor of the State, who shall thereupon at once appoint a third surveyor, who shall decide all matters in controversy between the two said surveyors as to the location of said line.

Surveyors to locate and establish line.

Certificate to governor of disagreement.

Governor to appoint umpire.

SEC. 3. That when the said line has been located and established according to the provisions of this act, the said surveyors shall file with the registers of deeds of Wayne and Wilson counties a report of their proceedings under this act, and the line established by them shall be deemed for all purposes the true and correct line between said counties.

Surveyors to file reports.

Line established.

SEC. 4. That all expenses incurred in the location of said line shall be paid by the boards of commissioners of Wayne and Wilson counties, each paying one-half thereof.

Apportionment of expense.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this the 4th day of March, A. D. 1911.

CHAPTER 81.

AN ACT IN REGARD TO HOLDING OF COURTS IN HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter six hundred and thirty-nine of the Public Laws of one thousand nine hundred and nine be amended by inserting in the eighth line of section one, after the word "March" and before the word "the," the following: "the thirteenth Monday after the first Monday in March."

Additional term.

SEC. 2. That all laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in effect on and after the first day of January, one thousand nine hundred and twelve.

Ratified this the 4th day of March, A. D. 1911.

CHAPTER 82.

AN ACT TO AMEND CHAPTER 988, LAWS OF 1907, AND SECTION 2765 OF THE REVISAL OF 1905, RELATING TO JUDGES' EXPENSES AND SALARY.

The General Assembly of North Carolina do enact:

Salary of judges of superior court. Allowance for expenses.

SECTION 1. That the salary of each of the judges of the Superior Court shall be three thousand two hundred and fifty dollars (\$3,250) per annum, and that seven hundred and fifty dollars (\$750) be and it is hereby allowed each per annum, to furnish traveling and other necessary expenses incident to rotation, payable monthly. And the salary of each of the judges of the Supreme Court shall be four thousand dollars (\$4,000) per annum, payable monthly.

Salary of judges of supreme court.

Laws repealed.

SEC. 2. That all provisions in chapter nine hundred and eighty-eight, Laws of one thousand nine hundred and seven, and section two thousand seven hundred and sixty-five of the Revisal of one thousand nine hundred and five, inconsistent with this act, are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 4th day of March, A. D. 1911.

CHAPTER 83.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT AND MAINTENANCE OF PUBLIC LIBRARIES.

The General Assembly of North Carolina do enact:

Election to be ordered upon petition of voters. Question to be submitted.

SECTION 1. The board of aldermen or town commissioners of any incorporated city or town, upon the petition of twenty-five per cent of the registered voters thereof, shall submit the question of the establishment of a free public library to the voters at the next municipal election. If a majority of the votes cast on said question be in the affirmative, the board of aldermen or town commissioners shall establish the library or reading-room and levy and cause to be collected as other general taxes are collected a special tax of not more than ten cents on the hundred dollars of the assessed value of the taxable property of such city or town and not more than thirty cents on the poll. The fund so provided shall constitute the library fund, and shall be kept separate from the other funds of the city or town, to be expended exclusively upon such library.

Tax if establishment of library or reading-room be ordered.

Library fund kept separate.

Specific appropriation.

Library trustees.

SEC. 2. For the government of such library there shall be a board of six trustees appointed by the board of aldermen or town

<p>commissioners, chosen from the citizens at large with reference to their fitness for such office; and not more than one member of the board of aldermen or town commissioners shall be at any one time a member of said board. Such trustees shall hold their office for six years from their appointment, and until their successors are appointed and qualified: <i>Provided</i>, that upon their first appointment under this act two members shall be appointed for two years, two for four years, and two for six years, and at all subsequent appointments under this act made every two years two members shall be appointed for six years. All vacancies shall be immediately reported by the trustees to the board of aldermen or town commissioners and be filled by appointment in like manner, and, if in an unexpired term, for the residue of the term only. The board of aldermen or town commissioners may remove any trustee for incapacity, unfitness, misconduct, or for neglect of duty. No compensation shall be allowed any trustee.</p>	<p>Terms of office. Proviso: trustees classified.</p>
<p>SEC. 3. Immediately after appointment, such board of trustees shall organize by electing one of its members as president and one as secretary-treasurer, and such other officers as it may deem necessary. The secretary-treasurer before entering upon his duties shall give bond to the municipality in an amount fixed by the board of trustees, conditioned for the faithful discharge of his official duties. The board shall adopt such by-laws, rules and regulations for its own guidance and for the government of the library as may be expedient and conformable to law. It shall have exclusive control of the expenditure of all moneys collected for or placed to the credit of the library fund, and of the supervision, care, and custody of the rooms or buildings constructed, leased, or set apart for library purposes. But all money received for such library shall be paid into the city treasury, be credited to the library fund, be kept separate from other moneys, and be paid out to the secretary-treasurer upon the authenticated requisition of the board of trustees through its proper officers. With the consent of the board of aldermen or town commissioners, it may lease and occupy, or purchase, or erect upon ground secured through gift or purchase, an appropriate building: <i>Provided</i>, that of the income for any one year not more than one-half may be employed for the purpose of making such lease or purchase or for erecting such building. It may appoint a librarian, assistants, and other employees, and prescribe rules for their conduct, and fix their compensation, and shall also have power to remove such appointees. It may also extend the privileges and use of such library to non-residents upon such terms and conditions as it may prescribe.</p>	<p>Vacancies. Removal for cause. No compensation allowed trustees. Organization of trustees. Bond of secretary-treasurer. By-laws, rules and regulations. Expenditures. Supervision of library. Money paid into city treasury. Requisition of trustees. Lease of building. Proviso: limit of expense. Librarian and employees. Use of library by nonresidents.</p>
<p>SEC. 4. All property given, granted, conveyed, donated, devised, or bequeathed to, or otherwise acquired by, any city or town for a library shall vest in and be held in the name of such city or town, and any conveyance, grant, donation, devise, bequest, or gift to or in the name of any public library board shall be deemed to have been made directly to such city or town.</p>	<p>Property to vest in city.</p>

Acceptance of gift, devise or bequest.

SEC. 5. With the consent of the board of aldermen or town commissioners, expressed by ordinance or resolution, and within the limitations of this act as to the rate of taxation, the library board may accept any gift, grant, devise, or bequest made or offered by any person for library purposes, and may carry out the conditions of such donations. And the city or town in all such cases is authorized to acquire a site, levy a tax, and pledge itself by ordinance or resolution to a perpetual compliance with all the terms and conditions of the gift, grant, devise, or bequest so accepted.

Compliance with conditions.

Use of library free to citizens.

SEC. 6. Every library established under this act shall be forever free to the use of the inhabitants of the city or town, subject to such reasonable regulations as the board of trustees may adopt.

Reports of trustees.

SEC. 7. On or before the thirty-first day of December of each year the said board of trustees shall make a report to the board of aldermen or town commissioners, stating the condition of their trust, the various sums of money received from the library fund and all other sources, and how much money has been expended; the number of books and periodicals on hand, the number added during the year, the number lost or missing, the number of books loaned out, and the general character of such books; the number of registered users of such library, with such other statistics, information, and suggestions as it may deem of general interest.

Ordinances for protection of library.

SEC. 8. The board of aldermen or town commissioners of such city or town shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library or the grounds or other property thereof, or for any injury to or for failure to return any book, plate, picture, engraving, map, magazine, pamphlet, or manuscript belonging to such library.

Contracts with existing libraries.

SEC. 9. If there exists in any incorporated city or town a secular or nonsectarian library owned and controlled by a society or corporation, the board of aldermen or town commissioners, when deemed best for the interest of the city or town, may levy and collect the tax herein provided for, and, in lieu of supporting and maintaining a public library, enter into a contract with such society or corporation for the purpose of providing the inhabitants of such city or town with the free use of such library upon such terms and conditions as may be agreed upon between the board of aldermen or town commissioners and the society or corporation: *Provided*, always, that all money paid to such society or corporation under said contract shall be expended solely for the maintenance of such library, and for no other purpose.

Proviso: expenditure of contribution from city.

Powers of established libraries not abridged.

SEC. 10. That nothing in this act shall be construed to abolish or in anywise abridge any power or duty conferred upon any public library established by virtue of any city or town charter or other special act.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified this the 4th day of March, A. D. 1911.

CHAPTER 84.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT AND MAINTENANCE OF COUNTY FARM-LIFE SCHOOLS AND FOR THE PROMOTION OF AGRICULTURE AND HOME-MAKING.

The General Assembly of North Carolina do enact:

SECTION 1. There shall be established and maintained in every county complying with the provisions of this act as hereinafter set forth a school to be known as a "County Farm-life School" for the training and preparation of the boys and girls of said county for farm life and home-making.

County farm-life schools to be established and maintained.

SEC. 2. The aim of said school shall be to prepare boys for agricultural pursuits and farm life and to prepare girls for home-making and housekeeping on the farm. The course of study in said school shall be subject to the approval of the State Superintendent of Public Instruction and an advisory board on farm-life schools, to be appointed by him: *Provided, however,* that the course of study shall include practical work on the farm by the boys and practical work in all subjects relating to housekeeping and home-making by the girls.

Aim of schools.

Course of study.

Proviso: course to include practical work.

SEC. 3. Said school shall be under the control and management of a board of trustees, consisting of one member from each township in the county, appointed by the county board of education, who shall serve until their successors shall be appointed. The first board of trustees shall be divided by the county board of education into three as nearly equal groups as possible. One group shall be appointed for a term of two years, one group for a term of four years, and one group for a term of six years. Upon the expiration of the term of office of any trustee, his successor shall be appointed for a term of six years. The county superintendent of public instruction shall be *ex officio* a member of said board and secretary thereof. All vacancies occurring by death, resignation, or otherwise in said board shall be filled for the unexpired term by the county board of education.

Control and management of schools. Trustees.

Trustees classified. Terms of office.

County superintendent *ex officio*.

Vacancies.

SEC. 4. Within ten days after any county, township, or townships shall have complied with the provisions of this act as hereinafter set forth for the maintenance and equipment of said school, the members of the board of trustees shall be appointed, and the county superintendent shall duly notify them to meet at the county-seat within ten days after their appointment, to qualify and organize.

Appointment of trustees.

Notice to trustees.

SEC. 5. After due advertisement, inviting bids for the location of said school within said county, said board of trustees shall locate it at such place in said county as shall offer the largest financial aid for maintenance and equipment, having due regard for desirability and suitability of location; *Provided, however,* that said

Advertisement of bids for location. Location.

Proviso: location in or near cities or towns.

school shall not be located in any city or town of more than one thousand inhabitants, nor within two miles of the corporate limits of any city or town of more than five thousand inhabitants.

Local provision for maintenance of school.

SEC. 6. For the maintenance of said school, the county or township or school district, or all combined, wherein it is located shall provide annually, by taxation or otherwise, not less than twenty-five hundred dollars. The county or township or school district, or all combined, shall also provide by bond issue, or otherwise,

Local provision for equipment.

the following equipment for said school: A school building with recitation rooms and laboratories and apparatus necessary for efficient instruction in the prescribed subjects of study; dormitory buildings with suitable accommodations for not less than twenty-five boys and twenty-five girls; a barn and dairy buildings, with necessary equipment; a farm of not less than twenty-five acres of good arable land. All of said buildings shall be located on said farm, and shall be constructed in accordance with plans approved by the State Superintendent of Public Instruction, and the entire equipment shall be subject to his approval and acceptance after inspection: *Provided, however,* that, upon recommendation of the board of trustees and the presentation of satisfactory reasons therefor, the State Superintendent of Public Instruction may grant permission to said board of trustees to accept any suitable and properly equipped school building already constructed, though it may not be located on said farm, provided it be located within reasonable and convenient distance thereof, and may also grant permission to reduce the required acreage for the farm to not less than ten acres.

Specifications.

Proviso: acceptance of buildings already constructed.

Reduction of acreage.

SEC. 7. Upon written request of the county board of education of any county, the board of county commissioners of said county may, in their discretion, order an election to be held in said county, in accordance with the law governing general elections therein, as nearly as may be: *Provided, however,* that a new registration shall be ordered for said election; and not less than thirty days' notice of said election shall be given at the courthouse door and three other public places in said county, and if there be newspapers published in said county, a notice of said election shall also be published weekly for four successive weeks preceding said election in one newspaper therein; and the registrars and pollholders shall canvass the vote cast, declare the result, and duly certify the returns to the board of county commissioners, and the returns shall be recorded in the records of said board of county commissioners. At said election shall be submitted to the qualified voters of the county the question of levying and collecting a special tax on all taxable property and polls of said county for the maintenance and equipment of a "county farm-life school" therein. At such election those favoring the levying and collection of such a tax for said purpose shall vote a ballot on which shall be written or printed the words "For

Election on request of county board of education.

Law governing election.
Proviso: new registration.
Notice of election.

Canvass of vote, declaration, certificate and record of result.

Question to be submitted.

Ballots.

County Farm-life School"; and those opposed shall vote a ballot on which shall be written or printed the words "Against County Farm-life School." If a majority of the qualified voters shall vote "For County Farm-life School," then all the provisions of this act shall be in full force and effect, and the county commissioners shall annually levy and cause to be collected, in the same manner and at the same time as other taxes of the county are levied and collected, a tax on all property and polls of the county sufficient to provide the sum required of said county under section six of this act for the annual maintenance of said school, and, in addition, the sum required for the payment of the annual interest on such bond issue as may be found necessary for providing the equipment for said school required under section six of this act, as said interest accrues, and to create a sinking fund for the purpose of paying off and discharging said bonds as they become due. The bond of the sheriff or tax collector of said county shall be responsible for said tax to the same extent as it is liable for other taxes collected by him.

SEC. 8. If a majority of the qualified voters at the election herein provided for shall vote "For County Farm-life School," it shall be deemed and held that a majority of the qualified voters are in favor of granting to the board of county commissioners of said county authority to issue bonds in an amount not to exceed twenty-five thousand dollars for the purpose of providing the necessary equipment prescribed in section six of this act; and such authority shall be granted to and vested in said board of county commissioners, and said board is hereby authorized and empowered to issue and sell bonds in the name of said county to an amount not to exceed twenty-five thousand dollars, of such denomination and of such proportion as said board of county commissioners may deem advisable, bearing interest at a rate not to exceed six per centum, with interest coupons attached, payable at such time or times and at such place or places as may be deemed advisable by said board of county commissioners, such bonds to be of such form and tenor and transferable in such way, and the principal thereof payable or redeemable at such time or times, not less than fifteen years from the date thereof, and at such place or places, as said board of county commissioners may determine. The proceeds arising from the sale of said bonds shall be expended by said board of county commissioners in providing, by purchase or otherwise, the equipment in land, buildings, and apparatus required in section six of this act for the "county farm-life school": *Provided, however,* that the treasurer of said county shall receive no compensation for receiving or disbursing the money which may be received from the sale of said bonds.

SEC. 9. The county commissioners of any county that has voted for the establishment of a "county farm-life school" therein shall, upon petition of one-fourth of the freeholders in any township

Effect of election.

Officers liable on bond.

Favorable vote to authorize bond issue.

Amount of bond issue.

Denominations.

Interest.

Maturity.

Expenditure of proceeds.

proviso: no compensation to treasurer.

Township elections. Petition of one-fourth of freeholders.

applying to the trustees of said "county farm-life school" to secure the location of said school therein, order an election therein, to be held after thirty days' notice at three public places in said township, under the law governing State and county elections as nearly as may be; and the returns of said election shall be certified by the registrars and pollholders to the board of county commissioners, and the same shall be recorded in the records of said county commissioners; at which election shall be submitted to the qualified voters of said township the question of issuing bonds in a sum not to exceed twenty-five thousand dollars, the amount of said bond issue to be set out in the petition for said election, and of levying and collecting on all taxable property and polls in said township a special tax sufficient to provide for the payment of the interest on said township bonds as it accrues and to create a sinking fund for the purpose of paying off and discharging said township bonds as they become due. At such election, those favoring the levying and collection of such a tax for said purpose shall vote a ballot on which shall be written or printed the words "For County Farm-life School," and those opposed shall vote a ballot on which shall be written or printed the words "Against County Farm-life School." If a majority of the qualified voters at said election shall vote "For County Farm-life School," then it shall be deemed and held that a majority of the qualified voters are in favor of granting to the board of county commissioners of said county authority to issue bonds in the name of said township in such amount as shall have been named in the petition and notice of election, to be sold by said commissioners for the purpose of aiding in providing the buildings and farm and other equipment for the "county farm-life school," provided said school shall be located in said township; and if said school shall be located in said township, the board of county commissioners shall annually levy and cause to be collected, in the same manner and at the same time as other taxes of the county are levied and collected, a tax on all property and polls in said township, sufficient to provide for the payment of interest on said township bonds as it accrues and to create a sinking fund for the purpose of paying off and discharging said township bonds as they become due; and said board of county commissioners is hereby authorized and empowered to issue and sell said bonds of said township to the amount specified in said petition and notice of election, of such denomination and of such proportion as said board of county commissioners may deem advisable, bearing interest at a rate not to exceed six per centum, with interest coupons attached, payable at the time or times and at the same place or places, and of the same form and tenor, and the principal thereof payable or redeemable at the same time or times and at the same place or places as the county bonds issued by said board of county commissioners for the equipment of said "county farm-life school."

Notice of election.

Law governing election, Certificate and record of result.

Question to be submitted.

Ballots.

Favorable vote to authorize bond issue.

Proviso: school to be located in township.

Township tax.

Interest on bonds.

The proceeds arising from the sale of said township bonds shall be added to the proceeds arising from the sale of said county bonds, and expended therewith by said board of county commissioners in providing, by purchase or otherwise, the equipment in land, buildings, and apparatus required in this act for the "county farm-life school": *Provided, however*, that any two or more contiguous townships bidding for the location of said "county farm-life school" may unite and hold an election upon the same terms and conditions as are herein provided for one township for the location of the "county farm-life school" at such point in said townships as may be determined by the board of trustees of said "county farm-life school": *Provided*, that the amount of bonds authorized to be issued by one or more townships in order to secure the location of the "county farm-life school" in a given township shall be deducted from the amount of bonds authorized to be issued by the county, so as to limit the total issue of bonds for farm, buildings, and equipment to twenty-five thousand dollars.

Expenditures of proceeds of bonds.

Proviso: election by contiguous townships.

Proviso: township bond issue deducted from county issue.

SEC. 10. In case an election shall be ordered and held in any county as herein provided for the establishment and maintenance of a "county farm-life school" therein, and a majority of the qualified voters at such an election shall fail to vote "For County Farm-life School," any township in said county, or any two or more contiguous townships in said county, shall, upon petition of one-fourth of the freeholders therein to the board of county commissioners of said county, have an election ordered by said commissioners upon the same terms and conditions prescribed in section nine of this act: *Provided*, that a new registration shall be ordered; and if in such election a majority of the qualified voters in said township or townships shall vote "For County Farm-life School," then, in that event, it shall be deemed and held that the board of county commissioners of said county is authorized and empowered to issue and sell bonds in the name of said township or townships in an amount not to exceed twenty-five thousand dollars, and to levy and cause to be collected, in the same manner and at the same time as other taxes of the county are levied and collected, a sufficient tax on all property and polls in said township or townships to comply with all the conditions named in this act for the maintenance and equipment of a "county farm-life school," subject to the same conditions as are herein provided for the issuance and sale of county bonds and the levying and collection of a county tax for said purpose; and the said "county farm-life school" shall thereupon be located at such point in said township or townships as may be determined by the board of trustees of said "county farm-life school" provided for in this act; and such school, when thus established, shall be a "county farm-life school" for said county, and shall be subject to all the rights, privileges, and obligations and conditions prescribed in this act

Township elections if county negatives bond issue.

Proviso: new registration. Favorable vote to authorize bond issue.

Location of school in township.

School for county.

Proviso: election by county after establishment of school.

Township bonds assumed by county.

High-school course.

County and State appropriations.

Appropriations transferred.

Merger into established school.

Requirements for teachers.

Management of consolidated school.

for "county farm-life schools," except as herein otherwise provided: *Provided further*, that at any time after the establishment of said "county farm-life school" by the township or townships under the provisions of this section, the county may, under the provisions of section seven of this act, hold an election as therein provided; and if at said election a majority of the qualified voters of the county shall vote "For County Farm-life School," and the tax and bond issue provided for in said section seven for the maintenance and equipment of a "county farm-life school" shall be provided as directed therein by the county commissioners for the entire county, said school, established under this section by the township or townships, shall become a "county farm-life school" in all respects like a "county farm-life school" established under section seven hereof; and the bonds of the township or townships and the tax levied for the maintenance of said school and for interest and sinking fund on said bonds, under this section, shall be assumed by the entire county, as provided in section seven hereof, and the bonds of said township or townships shall be canceled by substituting therefor the county bonds provided for in section seven hereof.

SEC. 11. There shall be established and maintained in connection with each "county farm-life school" such a high-school course of study as is prescribed under the public high-school law of the State for first-grade public high schools; and for the maintenance of said high-school department of the "county farm-life school" there shall be the same county and State apportionments as are now made and required for a first-grade public high school under the provisions of the public high-school law of the State. If an additional apportionment for said high-school department of said school cannot be made out of the State appropriation for public high schools, then the State and county appropriations for one or more of the existing high schools in said county shall be transferred to the maintenance and support of said high-school department of said "county farm-life school." If said "county farm-life school" shall be located at the same place with some existing public high school in said county, established and maintained under the public high-school law of the State, then said public high school shall be merged into and become the high-school department of said "county farm-life school" as an organic part thereof; and the appropriations for the maintenance thereof shall be the same as the appropriations now required for a first-grade public high school under the provisions of the public high-school law of the State. The requirements for teachers in said high-school department of the "county farm-life school" shall be the same as are now required for high-school teachers under the said high-school law. Said high-school department and course of study, however, and the entire management of the same shall be under the direction and control of the

board of trustees and the principal of the "county farm-life school," and shall be conducted as an organic part of said school.

SEC. 12. No person shall be employed as principal in charge of any "county farm-life school" who does not hold a high-school teacher's certificate on all required subjects except Latin, Greek, and modern languages, including an additional certificate from the State Board of Examiners and the president of the North Carolina College of Agriculture and Mechanic Arts, stating that he has furnished satisfactory evidence to them of his qualifications by special training and practical experience for said position. And no person shall be employed in the department of said "county farm-life school" for the special training of girls for home-making and housekeeping on the farm who does not hold a high-school teacher's certificate on all required subjects except Latin, Greek, and modern languages, including an additional certificate from the State Board of Examiners and the president of the State Normal and Industrial College, stating that such person has furnished to them satisfactory evidence of qualifications by special training and practical experience for said position.

SEC. 13. It shall be a part of the duty of the faculty of each "county farm-life school" to conduct agricultural farm-life extension and demonstration work in said county, in coöperation, as far as possible, with such work carried on in said county by the State Department of Agriculture, the North Carolina College of Agriculture and Mechanic Arts, and the United States Department of Agriculture; to hold township and district meetings in various parts of the county from time to time for farmers and farmers' wives; to coöperate with the county superintendent of public instruction and with the county commissioner of agriculture, where such officer exists, in stimulating, directing, and supervising practical farm-life work in the public high schools and the elementary schools of the county, and in providing instruction, through the county teachers' association and through special short courses of study at said "county farm-life school," for the public school teachers of said county. There shall be provided in the courses of study of said "county farm-life school," short courses in farm-life studies to which shall be admitted adult farmers, men and women; and there shall be held at said "county farm-life school," annually, one or more county meetings for the farmers and their wives of said county for instruction and demonstration work. All of the work herein required and all other work of the "county farm-life school" shall be under the general supervision of the county superintendent of public instruction, and said school shall in all respects be an organic part of the county public school system.

SEC. 14. The board of trustees of the "county farm-life school" of any county is hereby authorized and empowered to admit students from other counties of the State to said school upon pay-

Requirements for principal.

Requirements for employment in department for special training of girls.

Farm-life extension and demonstration work.

Meetings for farmers and farmers' wives, Co-operation with county authorities.

Instruction of public-school teachers.

Courses for adults.

Annual meetings for instruction and demonstration work. Supervision of county superintendent.

Part of county school system.

Students from other counties.

Tuition to residents of county. ment of such rate of tuition as said board of trustees may fix; but all students who are residents of the county in which said school is located shall be admitted to said school without charge for tuition, except as provided for in section ten of this act; and said board of trustees shall fix all other charges in said school at actual cost.

Other charges at cost.

Treasurer. SEC. 15. The treasurer of said county shall be the treasurer of said "county farm-life school," and shall receive and disburse all funds therefor, keeping and rendering annually to the board of trustees of said school a separate account of such receipts and disbursements: *Provided*, that said treasurer, if employed on salary, shall receive no additional compensation for his services; and if employed on commission he shall receive as compensation not to exceed one per cent on all disbursements and nothing on receipts. The official bond of said treasurer shall be responsible and held liable for all funds coming into his hands for said school to the same extent as it is liable for other funds received by him as treasurer of said county.

Annual accounts.

Proviso: compensation of treasurer.

Bond of treasurer.

Trustees incorporated. SEC. 16. The board of trustees of the said "county farm-life school" and their successors in office shall be and are hereby constituted a body corporate by the name and style of "The Board of Trustees of the County Farm-life School of County," and by that name may sue and be sued, contract and be contracted with, purchase, hold, and sell real estate and personal property, receive donations by gift or otherwise, and exercise such other rights and privileges as are conferred by law upon corporate bodies. The title to all lands and other property of the "county farm-life school" shall vest in said board of trustees.

Corporate name.

Corporate powers.

Title to property.

Appropriation by State. SEC. 17. Upon satisfactory evidence furnished to the State Board of Education that all the provisions of this act for the establishment, maintenance, and equipment of a "county farm-life school" have been complied with in any county, the said State Board of Education shall order the State Superintendent of Public Instruction to issue a requisition upon the State Auditor for the sum of two thousand five hundred dollars annually for the maintenance of said school, and the State Auditor shall issue his warrant in favor of the county treasurer of said county for said amount, which shall be paid out of the State Treasury and the money placed by the county treasurer to the credit of the "county farm-life school" of said county; and sufficient moneys to pay said warrants are hereby appropriated out of any funds in the hands of the State Treasurer not otherwise appropriated: *Provided, however*, that there shall not be established more than ten such schools in any one year, and that not more than one such school shall be established in any county.

Proviso: limit of schools.

SEC. 18. That this act shall be in full force and effect from and after its ratification.

Ratified this the 3d day of March, A. D. 1911.

CHAPTER 85.

AN ACT TO AMEND CHAPTER 463, PUBLIC LAWS OF 1907,
REGULATING THE HOURS OF LABOR IN MANUFACTUR-
ING INDUSTRIES.*The General Assembly of North Carolina do enact:*

SECTION 1. That section two, chapter four hundred and sixty- Hours of labor.
three of the Public Laws of one thousand nine hundred and seven,
be and the same is hereby amended by striking out the word
"sixty-six" where it appears in lines one and five, and inserting in
lieu thereof the word "sixty."

SEC. 2. That this act shall be in force from and after January When act
first, one thousand nine hundred and twelve. effective.

Ratified this the 4th day of March, A. D. 1911.

CHAPTER 86.

AN ACT TO AMEND CHAPTER 73 OF THE REVISAL OF 1905
OF NORTH CAROLINA, ENTITLED "TOWNS." SECTION
2916, SO AS TO GIVE TOWNS, CITIES, AND MUNICIPALI-
TIES POWER TO OPERATE AND MAINTAIN WATER-
WORKS, SEWERAGE SYSTEMS, AND OTHER PUBLIC
UTILITIES.*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter seventy-three, entitled "Towns," sec- Grant of powers.
tion two thousand nine hundred and sixteen, entitled "Corporate
Powers," be amended by adding thereto, as subsection ten, the fol-
lowing:

10 (a). That every town, city, or municipality incorporated or Waterworks and
hereafter incorporated by legislative charter shall have the power sewerage sys-
to build, construct, maintain, and operate a system of waterworks tems.
and sewerage, one or both, or electric or gas lighting plants, in Lighting plants.
order to provide potable water, fire protection, and sanitation for
the health and convenience of its inhabitants; and when estab- Ordinances for
lished, the aldermen, commissioners, or corporate body in whom protection of
is vested the governing power of such town, city or municipality, systems and
shall have power to make all needful rules, regulations, and ordi- plants.
nances in their discretion to protect, conduct, and maintain the
same; to make and establish uniform rates to be charged all per- Rates.
sons using and receiving the service thereof, such rates to be
subject to the approval of the Corporation Commission; and when
the public health shall require, to require all closets and privies
used by persons to be connected by pipes or mains with the main
sewerage so laid, and to prescribe all reasonable conditions for
the manner of such connection. Sewerage connec-
tions.

Bond issues authorized by approval of voters.	(b) The corporate authorities of any incorporated town, city, or municipality are authorized and empowered, after a majority of the qualified voters of such town, city, or municipality shall have approved and authorized the same as herein provided, to issue bonds in the name of such town, city, or municipality, in such denomination, form, and amount as such corporate authorities may determine, payable at such time and place as said corporate
Proviso: maturity, Sinking fund, Interest.	authorities may prescribe: <i>Provided</i> , that the time of payment shall not exceed fifty years, and provision to be made for a sinking fund after three years, for the liquidation thereof; the rate of interest which said bonds shall bear shall not exceed six per cent per annum, payable annually or semiannually, and that said bonds shall not be sold, hypothecated, or otherwise disposed of for less than their par value.
Bonds not to be sold below par.	
Authentication of bonds and coupons.	(c) The said bonds shall be signed by the mayor and attested by the town or city clerk or treasurer and sealed with the corporate seal of such town or city, and shall have interest coupons attached thereto; said bonds and coupons thereto attached shall be exempt from town or city taxation of the town issuing the same and the coupons shall be receivable in payment of the town or city taxes. That for the purpose of paying said bonds at maturity and the coupons as they become due, it shall be the duty of the corporate authorities of such town, city, or municipality issuing the same, and they are hereby empowered so to do, to levy and collect each year a sufficient special tax upon all subjects of taxation which are or may hereafter be embraced in the subjects of taxation under the charter of such town or city and the general law, in the manner and at the same time as other taxes are collected under said charter and the general law: <i>Provided</i> , that the taxes so collected for the payment of said bonds and interest coupons, as aforesaid, shall be used for no other purpose.
Exemption from city tax.	
Special tax.	
Proviso: specific appropriation of tax.	
Proposition to be submitted to voters.	(d) The corporate authorities shall neither issue said bonds nor levy nor collect tax until they shall have first submitted the proposition to the qualified voters of such town, city, or municipality, and shall have been authorized so to do by a majority of the qualified voters thereof. The said corporate authorities of such town, city, or municipality are hereby empowered to call a special election at such time or times as they may fix and to submit to the qualified voters the proposition for the issue of such bonds. The call for such election shall state in writing the purpose for which the bonds are to be issued, the terms and conditions thereof, the amount proposed to be issued, the denomination thereof, the time of their payment and the rate of interest and time of payment of the coupons. The said election shall be held under the rules and regulations which are required as to the election in such town, city, or municipality of the members of its governing board or executive officials. At such election those favoring the issue of said bonds shall vote "For Bonds" and those opposing "Against Bonds."
Majority to authorize issue. Special election.	
Call for election.	
Law governing election.	
Ballots.	

(e) But whenever in any incorporated town or city which under this or by special act has been or may be authorized from the sale of bonds or otherwise to build, operate, and maintain a public sewerage system, waterworks, or electric or gas lighting plant, there shall have been constructed in said town or city by any private or *quasi*-public corporation either waterworks, sewerage system, electric or gas plant, then in active operation and serving the public, which construction or operation was authorized by said town or city or by act of the General Assembly, and, in the case of any sewerage system, the same has been laid by plans approved, at the time of construction, either by the State board or county board of health, or both, then, before constructing any proposed public system of waterworks, or sewerage, electric or gas plant, heretofore or hereafter authorized by law, along or upon the streets occupied by such private or *quasi*-public corporation, the town or city within which such utilities are located and owned, proposing to build any public system of like character, shall, before undertaking to do so, first acquire, either by purchase or condemnation, the property of such system already laid, operated, and maintained by such private or *quasi*-public corporation, which is of like character. If said town or city cannot agree with the owners upon terms of purchase, then it may institute special proceedings to condemn the same to the public use, in the Superior Court of the county where the property to be condemned is to be located, making the owners and all parties having an interest therein parties defendant. The said town or city shall file its petition, setting forth the facts relied on, and within ten days after service of a copy on them the defendants shall file their answer, when the petition and answer shall be referred to the judge of the Superior Court, resident or presiding, who shall fix a day and place, at term or chambers, when he shall hear the matter, and, if proper cause is shown, he shall appoint three commissioners having expert knowledge of the construction, operation, and financial value of such property sought to be condemned, one to be nominated by the petitioner and one by the defendant, whom he shall appoint, unless good cause be shown why the person or persons nominated should not be appointed; and the two commissioners so appointed shall nominate the third commissioner, who shall be appointed by the judge, unless good cause be shown to the contrary; and if, within thirty days after their appointment, the two commissioners do not agree as to the third, then the judge shall appoint the third commissioner of his own selection. Such commissioners may be residents or nonresidents of the State, but shall not be interested or connected with the subject-matter or with either of the parties to the suit, directly or indirectly; and said commissioners, after being duly appointed and qualified, shall proceed to ascertain by evidence taken before them, if offered, and by personal inspection and examination of the property, the

Property of existing systems to be acquired.

Proceedings for condemnation.

Parties defendant.

Petition.

Answer.

Hearing.

Appointment of commissioners.

Qualifications for commissioners.

Valuation of property.	fair value of the same, such fair value to include the cost of reproducing the same as it exists at the date of condemnation, less natural wear and tear incident to its previous use, and make their report to the said court. Either party may file exceptions to said
Exceptions to report.	report within thirty days after being filed in court, and such exceptions shall be heard and determined by the resident or presiding judge thereof, who shall enter judgment thereon as in other
Entry of judgment.	civil cases, and if the property be adjudged to be condemned, he shall direct the payment of the purchase price and the execution of all necessary transfer deeds. He shall make in such case all
Orders and decrees.	orders and decrees essential to the protection of the rights of all parties concerned, and from his findings and judgment either party
Right of appeal.	may appeal to the Supreme Court of the State.

SEC. 2. This act shall be in force from and after the date of its ratification.

Ratified this the 4th day of March, A. D. 1911.

CHAPTER 87.

AN ACT TO ESTABLISH THE NORTH CAROLINA SCHOOL FOR THE FEEBLE-MINDED.

Preamble.	Whereas the Constitution of North Carolina, article two, section nine, authorizes the State to make provisions for her feeble-minded, idiots, and imbeciles; and whereas it is necessary from a humanitarian, economic, and health standpoint that some provision be made for this class of unfortunates: now, therefore,
Preamble.	

The General Assembly of North Carolina do enact:

School to be established.	SECTION 1. The State shall establish and maintain a school for the care and education of the idiotic and feeble-minded six years of age and upward, which shall be known as the North Carolina School for the Feeble-minded. All such feeble-minded persons supported by towns, counties, and almshouses in the State, who, in the judgment of the municipal and county officers of towns or counties or State Board of Charities, are capable of being benefited by school instruction shall be committed to this institution.
Official name.	
Persons to be committed to school.	
Appointment of trustees.	SEC. 2. The Governor shall, with the advice of the Senate, appoint nine persons, all of whom shall be inhabitants of this State, to be trustees of such school, three of whom shall be appointed to serve two years, three for four years, and three for six years, and their successors shall be appointed to serve for six years. The said trustees shall have the general management and supervision of said school, and one or more of said trustees shall visit said school as often as once each month, and said board of trustees shall annually, on or before the first day of December of
Terms of office.	
Management and supervision of school.	
Monthly visits.	
Annual reports.	

each year, furnish a report to the Governor, containing a history of the school for the year and a complete statement of all accounts, with all the funds, general and special, appropriated or belonging to said school, with a detailed statement of disbursements. And the Governor shall appoint a lady board of visitors, consisting of three members, to serve for two, four, and six years, whose duty shall be to assist the board of trustees, and report in writing the condition of the institution semiannually to the trustees, and perform such other duties as the board of trustees may prescribe.

Lady board of visitors.

Term of office. Duty.

SEC. 3. All indigent and destitute persons in this State who are proper subjects for said school, and have no parents, kinsmen, or guardian able to provide for them, may be admitted as State charges; and all other persons in this State who are proper subjects for said school, when parents, kinsmen, or guardian bound by law to support such persons are able to pay, shall pay such sum for care, education, and maintenance of such persons as the trustees shall determine; and such persons from other States having no such institution and similar schools may be received into such school, when there is room for them without excluding State charges, at a cost to such person or those who are legally responsible for their maintenance of not less than five dollars per week.

Persons admitted at State charge.

Persons charged for care, education and maintenance.

Persons from other states.

SEC. 3½. The State Superintendent of Public Instruction shall be *ex officio* president of the board of trustees.

President of trustees.

SEC. 4. Whenever it is made to appear, upon application to the clerk of the court of any county, and after due notice and a proper hearing, that any person resident in said county, or any person supported by any town, is a fit subject for the North Carolina School for the Feeble-minded, such clerk of the court may commit such person to said school by an order of commitment directed to the trustees of said school for the feeble-minded, accompanied by a certificate of two physicians, who are graduates of some legally organized medical college and have practiced three years in this State, that such a person is a proper subject for admission to said institution.

Procedure for commitment to school.

SEC. 5. Any order of committal under this act shall be subject to appeal in the same manner, by the same persons, and to the same extent that decrees of the clerk of the court appointing guardians over persons alleged to be insane or incompetent or spendthrift, and no committal under this act shall bar *habeas corpus* proceedings, but the court upon *habeas corpus* proceedings may confirm the order of commitment whenever justice requires. Any inmate of the North Carolina School for the Feeble-minded may be discharged by any three of the trustees or by a justice of the Supreme or Superior Court of the State whenever a further detention in such school in their opinion is unnecessary; but any person so discharged who was under sentence of imprisonment at

Appeals from order of commitment.

Habeas corpus proceedings.

Discharge of inmates.

Prisoners discharged to serve out sentence.

the time of his commitment, the period of which shall not have expired, shall be committed or remanded to prison for such unexpired time.

Priority of admission.

Persons now in institutions at public expense.
Persons in institutions not at public expense.
Persons without relatives able to support them.
Persons having relatives able to support them.
Persons of other states.

SEC. 6. Feeble-minded persons shall be admitted, in the discretion of the board of trustees, to the institution in the following order: First, feeble-minded persons who are now in public institutions supported entirely at public expense; second, feeble-minded persons in public institutions not supported as aforesaid; third, feeble-minded persons who are not in any institution of the State, who have no parents, kinsmen, or guardian able to provide for them, or who are committed by the clerk of the court; fourth, those residing within the State whose parents, kinsmen, or guardian bound by law to support such persons are able to pay; fifth, persons of other States whose parents, kinsmen, or guardian are willing to pay.

Selection and purchase of site.

Buildings.

Approval of plans.

Rules and regulations.

Payment of bills.

Audit of bills.

Warrants for current expenses.

Appropriation.

Bond issue authorized.

Maturity.

Amount.

Sale of bonds.

Interest.

SEC. 7. The trustees shall select and purchase, or otherwise acquire, with the approval of the Governor and Council of State, a suitable site for said school and home, and the board of trustees, as soon as appointed and organized, shall proceed as soon as practicable to erect thereon and properly furnish and equip suitable buildings and structures to accomplish the objects set forth in this act, the plans of which shall be approved by the Governor and his Council.

SEC. 8. Said trustees shall have power to make all necessary rules and regulations as to admission to said institution, and for the government and control of said institution and its inmates, and to do everything necessary to properly care for and educate the feeble-minded of the State. For all bills contracted by the trustees as aforesaid in purchasing a site the Auditor shall draw his warrant upon any money in the Treasury to pay the same not otherwise appropriated, and all bills contracted by the trustees in erecting, repairing, and equipping suitable buildings and operating the institution shall each year be audited by the State Board of Internal Improvements; and for current expenses the Auditor, upon approval of the chairman of the board of trustees, shall draw his warrant upon any money in the Treasury to pay the same, not otherwise appropriated.

SEC. 9. That for the purpose of carrying out the provisions of this act a sum of money not exceeding sixty thousand dollars shall be appropriated to be used and expended for the purposes herein mentioned within the next two years, and the State Treasurer is hereby authorized and directed to issue bonds of the State of North Carolina, payable forty years after the first day of July, one thousand nine hundred and eleven, to an amount not exceeding the sum of sixty thousand dollars, such bonds to be issued and sold, after due advertising, on the best obtainable terms from time to time as the money is needed to meet the expenses of building the institution. All of said bonds shall bear interest at a rate

not exceeding four per cent per annum, from the date of issue until paid, which said interest shall be paid semiannually the first days of January and July of each and every year, so long as any portion of the said bonds shall remain due and unpaid. If in the progress of the work funds should be needed at a time when financial conditions should seem unfavorable for the sale of bonds, then, in his discretion, the State Treasurer may, and he is hereby fully authorized, to negotiate a temporary loan or loans upon the best obtainable terms, and, if necessary, to pledge any of the unsold bonds as collateral therefor.

Temporary loans.

SEC. 10. That the bonds authorized and directed to be issued by the preceding section shall be coupon bonds of the denomination of one hundred dollars, five hundred dollars, and one thousand dollars each, as may be determined by said State Treasurer, and shall be signed by the Governor and the State Treasurer, and shall be sealed with the Great Seal of the State. The coupons thereon may be signed by the State Treasurer, or may have a *facsimile* of his signature printed, engraved, or lithographed thereon; and the said bonds shall in all other respects be in such form as the said State Treasurer may direct.

Description and denomination of bonds.

Authentication of bonds and coupons.

SEC. 11. The said bonds and coupons shall be exempt from all State, county, or municipal taxation or assessment, direct or indirect, general or special, whether imposed for the purposes of general revenue or otherwise, and the interest paid thereon shall not be subject to taxation as for income, nor shall said bonds and coupons be subject to taxation when constituting a part of the surplus of any bank, trust company, or other corporation, but when constituting a part of such surplus shall be deducted from the total assets in order to ascertain the taxable value of such shares.

Exemption from taxation.

SEC. 12. The board of trustees shall have power to take any measures which they deem expedient for encouraging subscriptions, donations, and bequests to said school; to take charge of all the interests and concerns of said school; to enter into and bind said institution by such compacts and engagements as they may deem advantageous; to make such rules and regulations for their own government and that of the school, not inconsistent with this act, as may appear to them reasonable and proper. They may sue and be sued, and own all classes of property, both real and personal, that may be advantageous to said school.

Encouragement of subscriptions, donations and bequests to school. Charge of school. Compacts and engagements.

Rules and regulations.

Corporate powers.

SEC. 13. The trustees shall receive two dollars per day when employed, and actual expenses.

SEC. 14. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 15. This act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, A. D. 1911.

Pay of trustees.

CHAPTER 88.

AN ACT TO AMEND SECTION 1506 OF THE REVISAL OF 1905, RELATIVE TO THE TIME OF HOLDING COURTS IN WILSON COUNTY.

The General Assembly of North Carolina do enact:

Additional term.

SECTION 1. That section one thousand five hundred and six of the Revisal of one thousand nine hundred and five, as amended by chapter seven hundred and sixty-nine of the Public Laws of one thousand nine hundred and seven, be and the same is further amended by inserting in the paragraph under the subhead "Wilson County," on page four hundred and forty-seven, at the end thereof, the following: "the third Monday after the first Monday in June, for the trial of civil cases exclusively."

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 4th day of March, A. D. 1911.

CHAPTER 89.

AN ACT TO AMEND SECTION 2736 OF THE REVISAL OF 1905, RELATING TO SALARY OF GOVERNOR.

The General Assembly of North Carolina do enact:

Salary \$5,000.

SECTION 1. That section two thousand seven hundred and thirty-six of the Revisal of one thousand nine hundred and five be and the same is hereby amended as follows: By striking out the word "four," in line one of said section, and inserting in lieu thereof the word "five."

When act effective.

SEC. 2. That this act shall be in force from and after the day designated by law for the beginning of the term of the next Governor of the State of North Carolina.

Ratified this the 4th day of March, A. D. 1911.

CHAPTER 90.

AN ACT TO AMEND SUBSECTION 1 OF SECTION 28 OF THE REVISAL OF 1905 OF NORTH CAROLINA.

Preamble.

Whereas various sales and conveyances of real estate situate in this State have been made by foreign executors under powers of sale contained in the last will and testament of citizens of other States or foreign countries, executed according to the laws of this State and duly proven and recorded in the State or foreign coun-

try wherein the testator and his family and said executors resided; and whereas many of said conveyances were made without giving bond and taking out letters of administration in this State, and in ignorance of the fact that the provisions of subsection one of section twenty-eight of the Revisal of one thousand nine hundred and five required bond to be given and letters to be issued in this State before executing such deeds; and whereas many of such executors have since died and cannot now take out letters in this State: now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That subsection one of section twenty-eight of the Revisal of one thousand nine hundred and five be and the same is hereby amended by adding at the end of said subsection the following words: "*Provided further*, that if any nonresident executor, acting under a power of sale contained in the last will and testament of a citizen and resident of another State or foreign country, executed according to the laws of this State and duly proven and recorded in the State or foreign country wherein the testator and his family and said executor resided, and now or hereafter recorded in this State, shall have sold and conveyed real estate situated in this State prior to January first, one thousand nine hundred and eleven, then said sale and conveyance so had and made shall be as valid and sufficient in law as though such executor had given bond and obtained letters of administration in this State prior to the execution of such deed."

Proviso: sales and conveyances made valid and sufficient in law.

SEC. 2. That this act shall not apply to or affect actions now pending in the courts of this State.

Pending actions not affected.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, A. D. 1911.

CHAPTER 91.

AN ACT TO VALIDATE THE REGISTRATION OF CERTAIN DEEDS AND OTHER INSTRUMENTS.

The General Assembly of North Carolina do enact:

SECTION 1. That in all cases prior to January first, one thousand eight hundred and eighty-five, where any probate judge or any judge or clerk of the Superior Courts of this State has taken the proof or acknowledgment of any deed, deed in trust, mortgage, or other instrument required to be registered, and has omitted from his certificate of proof or acknowledgment the order for the registration of such instrument, and such instrument has nevertheless been admitted to registration, such registration shall be as

Registrations without formal order validated.

good and valid as if the order of registration had actually been added to or included in such certificate of proof or acknowledgment.

Pending suits not affected.

SEC. 2. That this act shall not affect any suit, action, or proceeding now pending in any of the courts of this State.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 4th day of March, A. D. 1911.

CHAPTER 92.

AN ACT PRESCRIBING THE TIME FOR HOLDING THE COURTS FOR THE COUNTY OF WAYNE OF THE SIXTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

Terms of court.

SECTION 1. That section one thousand five hundred and six of the Revisal of one thousand nine hundred and five, at page four hundred and forty-nine, after the word "exclusively," in line twelve, be amended so as to read as follows: "Wayne County, sixth Monday before the first Monday in March, two weeks; fifth Monday after the first Monday in March, two weeks; twelfth Monday after the first Monday in March, two weeks; second Monday before the first Monday in September, two weeks; fifth Monday after the first Monday in September, two weeks; twelfth Monday after the first Monday in September, two weeks."

SEC. 2. That all laws in conflict with this act are repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 4th day of March, A. D. 1911.

CHAPTER 93.

AN ACT TO AMEND SECTION 4738 OF THE REVISAL OF 1905 OF NORTH CAROLINA, RELATIVE TO INSURANCE.

The General Assembly of North Carolina do enact:

Proviso: associations for inter-insurance or mutual protection.

SECTION 1. At the end of said section four thousand seven hundred and thirty-eight of the Revisal of one thousand nine hundred and five of North Carolina, insert the following: *Provided*, that where there is an association or corporation for the purpose of interinsurance or mutual protection between members of said association or corporation, which members or stockholders are engaged in the same line of business, the requirements of said sec-

tion as to there being not less than two hundred separate risks shall not apply, but in such case said association or corporation shall be permitted to organize when fifty separate risks shall have been pledged, as provided for in said section."

SEC. 2. That this act shall be in force and effect from and after its ratification.

Ratified this the 6th day of March, A. D. 1911.

CHAPTER 94.

AN ACT TO AMEND CHAPTER 804, PUBLIC LAWS OF 1909, RELATIVE TO THE NAME AND SALARY OF THE LAW CLERK OF THE ATTORNEY-GENERAL.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter eight hundred and four of the Public Laws of one thousand nine hundred and nine be amended by striking out the words "law clerk" as they appear in lines one and two of said section, and insert in lieu thereof the word "assistant."

Assistant attorney-general.

SEC. 2. That this act shall be in force from and after its passage.

Ratified this the 6th day of March, A. D. 1911.

CHAPTER 95.

AN ACT TO PROVIDE ADDITIONAL CLERICAL ASSISTANCE FOR THE GOVERNOR.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter eight hundred and thirty of the Public Laws of one thousand nine hundred and seven be and the same is hereby repealed, and the following inserted in lieu thereof:

SEC. 2. The salaries of the employees of the Executive Department shall be as follows, and no more: The private secretary to the Governor shall receive an annual salary of two thousand dollars; the executive clerk shall receive a salary of twelve hundred dollars, and shall not be required to do clerical work for or to receive pay from the Adjutant General's office for which three hundred dollars is now allowed; and for additional clerical assistance the Executive Department shall be allowed a sum not exceeding nine hundred dollars per annum.

Salaries of employees.

Private secretary.

Executive clerk.

Additional clerical assistance.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1911.

CHAPTER 96.

AN ACT TO AMEND CHAPTER 87 OF THE REVISAL OF 1905,
RELATIVE TO THE ANALYSES OF FERTILIZER.

The General Assembly of North Carolina do enact:

That chapter eighty-seven of the Revisal of one thousand nine hundred and five be amended to read as follows:

Statements delivered to commissioner.

Department of agriculture to furnish information.

Notice of changes.

Assessment of deficiency.

Double deficiency paid to purchaser.

Three times the amount of deficiency to be made good.

Seizure of fertilizer.

Double penalty in case of fraud.

Publication of analysis and facts.

Power to collect samples for analysis.

SECTION 1. That section three thousand nine hundred and forty-six shall read as follows: "*Sources of principal ingredients to be furnished to commissioner.* There shall be delivered to the commissioner a statement of the materials or source from which the phosphoric acid, nitrogen, and potash are each derived in each brand of goods registered. The Department of Agriculture may, under rules which it may formulate, furnish to any person applying for the same the sources of nitrogen, potash, and available phosphoric acid contained in any brand of fertilizer registered with the department. If the source of the ingredient is changed, notification thereof shall be promptly furnished to the department."

SEC. 2. That section three thousand nine hundred and nine shall read as follows: "*Sale of fertilizer below guaranteed quality; powers and duties of commissioner; penalty for fraud.* Whenever the Commissioner of Agriculture shall be satisfied that any fertilizer is five per cent below the guaranteed value in plant food, it shall be his duty to assess such deficiency against the manufacturer of the fertilizer and require that twice the value of the deficiency be made good to any person who purchases for his own use such low-grade fertilizer; and should any fertilizer fall ten per cent below the guaranteed value in plant food, it shall be his duty to assess three times the value of such deficiency against the manufacturer of the fertilizer and require the same to be paid to the consumer of such fertilizer; and the commissioner may seize any fertilizer belonging to such manufacturer if the deficiency shall not be paid within thirty days after notice to such manufacturer. If the commissioner shall be satisfied that such deficiency in plant food was due to the intention of the manufacturer of the same to defraud, then he shall assess and collect from the said manufacturer double the amount of the deficiency which he would have assessed and collected as hereinbefore provided, and pay the same over to the consumer of such fertilizer. If any manufacturer shall resist such collection or payment, the commissioner shall immediately publish the analysis and the facts in the Bulletin and in such newspapers in the State as he may deem necessary."

SEC. 3. That section three thousand nine hundred and fifty-one shall read as follows: "*Authority to analyze samples; certificate of State Chemist evidence.* The Department of Agriculture shall have power at all times and at all places to have collected samples

of any commercial fertilizer or fertilizing materials or cotton-seed meal offered for sale in this State, and have the same analyzed; and such samples shall be taken from at least ten per centum of the lot from which they may be selected. In the trial of any suit or action wherein is called in question the value of composition of any fertilizer a certificate signed by the State Chemist and attested with the seal of the Department of Agriculture, setting forth the analysis made by the State Chemist of any samples of said fertilizer drawn and analyzed by him under the provisions of this chapter shall be *prima facie* proof that the fertilizer was of the value and constituency shown by his said analysis. And the said certificate of the State Chemist shall be admissible in evidence to the same extent as if it were his deposition taken in said action in the manner prescribed by law for the taking of depositions. The department shall not have any sample analyzed that is not drawn and forwarded to the department in accordance with the regulations which it may adopt.”

Selection of samples.
Certificate of analysis *prima facie*.

Proof.
Certificate admissible as deposition.

Regulations for drawing and forwarding samples.

SEC. 4. All laws or clauses of laws in conflict with this act are hereby repealed.

SEC. 5. This act shall be in effect from and after its ratification. Ratified this the 6th day of March, A. D. 1911.

CHAPTER 97.

AN ACT TO DIVIDE NORTH CAROLINA INTO TEN CONGRESSIONAL DISTRICTS.

The General Assembly of North Carolina do enact:

SECTION 1. For the purpose of selecting Representatives to the Division, Congress of the United States, the State of North Carolina shall be divided into ten districts, as follows:

First District—Beaufort, Camden, Chowan, Currituck, Dare, First district. Gates, Hertford, Hyde, Martin, Pasquotank, Perquimans, Pitt, Tyrrell, and Washington.

Second District—Bertie, Edgecombe, Greene, Halifax, Lenoir, Second district. Northampton, Warren, and Wilson.

Third District—Carteret, Craven, Duplin, Jones, Onslow, Pamlico, Pender, Sampson, and Wayne.

Fourth District—Chatham, Franklin, Johnston, Nash, Vance, and Fourth district. Wake.

Fifth District—Alamance, Caswell, Durham, Forsyth, Granville, Fifth district. Gullford, Orange, Person, Rockingham, Stokes, and Surry.

Sixth District—Bladen, Brunswick, Columbus, Cumberland, Harnett, New Hanover, and Robeson.

Seventh District—Anson, Davidson, Davie, Hoke, Lee, Montgomery, Moore, Randolph, Richmond, Scotland, Union, Wilkes, and Yadkin.

- Eighth district. *Eighth District*—Alexander, Alleghany, Ashe, Cabarrus, Caldwell, Iredell, Rowan, Stanly, and Watauga.
- Ninth district. *Ninth District*—Avery, Burke, Cleveland, Gaston, Lincoln, Madison, Mecklenburg, Mitchell, Yancey, and Catawba.
- Tenth district. *Tenth District*—Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Polk, Rutherford, Swain, and Transylvania.

SEC. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1911.

CHAPTER 98.

AN ACT AMENDATORY OF CHAPTER 864 OF THE PUBLIC LAWS OF NORTH CAROLINA, SESSION 1909, RELATIVE TO HOLDING OF SUPERIOR COURTS IN THE EIGHTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter eight hundred and sixty-four of the Public Laws of North Carolina, session one thousand nine hundred and nine, be and the same is hereby amended as follows: By adding after line thirteen in said chapter eight hundred and sixty-four, on page one thousand two hundred and sixty-four, the following: "Ninth Monday before the first Monday in March, for the trial of civil cases. Eighth Monday before the first Monday in September, for the trial of civil or criminal cases."

Terms for Richmond county.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1911.

CHAPTER 99.

AN ACT TO REQUIRE THE HEADS OF STATE INSTITUTIONS TO FILE ITEMIZED STATEMENTS OF DISBURSEMENTS.

The General Assembly of North Carolina do enact:

Auditor to supply and furnish blanks.

SECTION 1. That it shall be the duty of the State Auditor to prepare blanks and furnish to the heads of the various State institutions for the purpose of filing an itemized statement of the disbursements of such institution.

SEC. 2. That on May fifteenth, one thousand nine hundred and eleven, and on the fifteenth of each month thereafter, it shall be the duty of the head of each State institution to prepare an itemized statement of all the disbursements of said institution for the preceding month, and file the same with the State Auditor on the blanks above mentioned. Itemized statements to be filed monthly.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1911.

CHAPTER 100.

AN ACT TO AMEND CHAPTER 505, PUBLIC LAWS OF 1909,
 "AN ACT TO ESTABLISH A CARD-INDEX SYSTEM FOR
 GRANTS AND TO REARRANGE AND CHANGE THE
 METHOD OF FILING WARRANTS, PLATS, AND SURVEYS
 IN THE SECRETARY OF STATE'S OFFICE."

The General Assembly of North Carolina do enact:

SECTION 1. That chapter five hundred and five, Public Laws of one thousand nine hundred and nine, entitled "An act to establish a card-index system for grants and to rearrange and change the method of filing warrants, plats, and surveys in the Secretary of State's office," be amended by striking out section four and adding in lieu thereof the following: "That an appropriation of one thousand five hundred dollars a year for the years one thousand nine hundred and eleven and one thousand nine hundred and twelve is hereby made for that purpose, payable by warrant from the Auditor on the State Treasurer to such persons as the Secretary of State may certify to as being employed in this work." Appropriation.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1911.

CHAPTER 101.

AN ACT TO ESTABLISH A STANDARD MEASURE FOR MEN-
 HADEN FISH (FATBACKS) IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of uniformity in the trade of manufacturing fish scrap and oil in the State of North Carolina, there is hereby established a standard measure of twenty-two thousand cubic inches for every one thousand fish. Standard measure established.

Use of other standard misdemeanor.

Punishment.

Proviso: separate offenses.

SEC. 2. That any person, firm, corporation, or syndicate buying or selling menhaden fish for the purpose of manufacture within the borders of this State, who shall measure the fish by any other standard (more or less) than is prescribed in section one of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not to exceed thirty days: *Provided*, that each day said measure is unlawfully used shall constitute a separate and distinct offense.

SEC. 3. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1911.

CHAPTER 102.

AN ACT TO BETTER REGULATE THE MENHADEN FISHING IN THE WATERS OF THE STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Fishing by non-residents forbidden.

SECTION 1. That it shall be unlawful for any person, persons, firm, or corporation, not a citizen or resident of the State of North Carolina, to catch, capture, or otherwise take any menhaden or fatbacks within the waters of the State of North Carolina to the extreme limits of the State's jurisdiction in and over said waters; and for the purposes of this act the following boundaries are hereby declared to be the boundaries to which the waters of the said State extend, to wit: a distance of three (3) nautical miles, measured from the outer beach or shores of the State of North Carolina out and into the waters of the Atlantic Ocean; and any portions or portion of any water within a distance of three (3) nautical miles from said waters of the Atlantic Ocean to any beach or shore of said State shall be deemed, for the purposes of this act, within the waters of said State: *Provided*, that any citizen or resident of the State of North Carolina, whether person, firm, or corporation, may take, capture, or catch any menhaden or fatbacks at any time, subject to existing laws.

Boundaries of State's waters.

Proviso: fishing by citizens or residents.

Purchase or use of fish illegally taken forbidden.

SEC. 2. That it shall be unlawful for any nonresident person, persons, firm, or corporation to knowingly buy, cook, or manufacture into fertilizer any menhaden or fatbacks caught, taken, or captured contrary to the provisions of section one (1) of this act.

Misdemeanor.

SEC. 3. That any person, persons, firm, or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction in any county opposite the place at which said act is done, shall be fined not less than twenty-five hundred

Punishment.

dollars (2,500) or imprisoned for two years, or both, in the discretion of the court: *Provided*, that each catch, or taking, or purchase, or act of manufacture, shall constitute a distinct and separate offense. Proviso: separate offenses.

SEC. 4. That it shall be the duty of the Fisheries Commissioner or assistant commissioner, whenever an affidavit is delivered to him stating that the affiant is informed and believes that said act is being violated at any particular place, to go himself or send a duly authorized deputy to such place, investigate the same, and such officer shall seize and remove all nets, machinery, or other appliances and paraphernalia setting or being used in violation of this act, sell same at public auction and apply the proceeds of such sale to the payment of costs and expenses of such removal, and pay any balance remaining into the school fund of the county nearest to the place where the offense is committed. Duty of fisheries commissioner or assistant.
Seizure and sale of apparatus.
Application of proceeds.

SEC. 5. That all laws or clauses of laws in conflict with this act are hereby repealed.

SEC. 6. That this act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, A. D. 1911.

CHAPTER 103.

BILL TO PROVIDE FOR THE TRAVELING EXPENSES AND PER DIEM FOR THE LIEUTENANT GOVERNOR WHEN ATTENDING OFFICIAL MEETINGS.

The General Assembly of North Carolina do enact:

SECTION 1. That whenever the Lieutenant Governor of North Carolina shall attend any meeting of State officials or otherwise, which he is required by law to attend, he shall be entitled to receive as compensation the *per diem* allowed him under the Constitution as President of the Senate for the time required in attending said meeting, together with his necessary traveling expenses in going to and from said meeting. Allowance of per diem.
Traveling expenses.

SEC. 2. That the amount to which the Lieutenant Governor shall be entitled shall be certified to by him, and shall be paid to him by the Treasurer of North Carolina upon the proper warrant. Certificate and payment.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1911.

CHAPTER 104.

AN ACT TO AMEND SECTION 2451, REVISAL OF 1905,
RELATIVE TO FISHING IN CHOWAN RIVER.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand four hundred and fifty-one of the Revisal of one thousand nine hundred and five be and the same is hereby amended by adding after the last word and at the end of said section the following: "*Provided*, that nothing in this section shall prevent the setting of gill nets in the Chowan River or its tributaries, above Holliday's Island: *Provided further*, that one-third of said stream, along the channel, shall be kept free from any class of net: *Provided further*, that no pound net shall be set within one hundred yards of any other pound net set by another person in the Chowan River, north of Holliday's Island."

SEC. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in full force from and after its ratification.

Ratified this the 6th day of March, A. D. 1911.

CHAPTER 105.

AN ACT TO PROVIDE FOR THE BUILDING AND EQUIPMENT OF AN AGRICULTURAL BUILDING KNOWN AS THE ANIMAL HUSBANDRY BUILDING AT THE NORTH CAROLINA COLLEGE OF AGRICULTURE AND MECHANIC ARTS.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Agriculture appropriate from the funds coming into the Agricultural Department during the years one thousand nine hundred and eleven and one thousand nine hundred and twelve the sum of thirty thousand dollars for the erection of an agricultural building at the North Carolina College of Agriculture and Mechanic Arts, to be known as the Animal Husbandry Building, and for the equipment and enlargement of the Department of Animal Husbandry.

SEC. 2. That the erection of said building shall commence during the current year and be completed not later than January first, one thousand nine hundred and thirteen.

SEC. 3. That the thirty thousand dollars herein appropriated shall be spent under the direction of the Board of Trustees of the North Carolina College of Agriculture and Mechanic Arts.

Proviso: gill nets above Holliday's island.

Proviso: one-third of channel kept free.

Proviso: location of pound nets.

Board of agriculture to make appropriation.

Amount.

Animal husbandry building.

Beginning and completion of building.

Direction of expenditures.

SEC. 4. That the Board of Agriculture be and is hereby authorized to borrow such sums as it may find advisable and necessary for the more speedy erection and equipment of said building. The said money is not to be borrowed unless funds are not available when the building is commenced, and the sums so borrowed are to be repaid as soon as practicable from such surplus funds as may accrue to it from time to time: *Provided*, that nothing in this section shall be construed to authorize the Board of Agriculture to pledge the faith and credit of the State for the payment of any sums borrowed under this section.

Board of agriculture may borrow money.
Proviso: credit of State not pledged.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1911.

CHAPTER 106.

AN ACT TO AMEND SECTION 4257 OF THE REVISAL OF 1905, RELATING TO THE CHARGE FOR BOARD IN THE STATE NORMAL AND INDUSTRIAL COLLEGE.

The General Assembly of North Carolina do enact:

SECTION 1. That section four thousand two hundred and fifty-seven of the Revisal of one thousand nine hundred and five be and the same is hereby amended by striking out the word "ten," in line three of said section, and inserting in lieu thereof the word "twelve."

Charge for board.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1911.

CHAPTER 107.

AN ACT TO AMEND SECTION 2771 OF THE REVISAL OF 1905, INCREASING THE SALARY AND PROVIDING FOR STENOGRAPHIC AND OTHER NECESSARY EXPENSES OF THE SUPREME COURT REPORTER.

The General Assembly of North Carolina do enact:

SECTION 1. That to provide for stenographic and other necessary expenses of the Supreme Court Reporter, and a slight increase of his salary, section two thousand seven hundred and seventy-one of the Revisal of one thousand nine hundred and five be amended by striking out, between the words "exceed," in line two thereof, and "per annum," in line three thereof, the words "one thousand two hundred and fifty dollars," and by inserting

Compensation to be fixed by court. in lieu thereof the words, "The compensation of the Supreme Court Reporter shall not exceed fifteen hundred dollars per annum, to be fixed by the Court."

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1911.

CHAPTER 108.

AN ACT TO AMEND CHAPTER 830 OF THE PUBLIC LAWS OF 1907.

The General Assembly of North Carolina do enact:

SECTION 1. That section five of chapter eight hundred and thirty of the Public Laws of one thousand nine hundred and seven be and the same is hereby amended as follows: By striking out the words "eighteen hundred," in line three of said section, and inserting in lieu thereof the words "two thousand."

Chief clerk to auditor.

SEC. 2. That section ten of chapter eight hundred and thirty of the Public Laws of one thousand nine hundred and seven be and the same is hereby amended as follows: By striking out the word "fifteen," in line four of said section, and inserting in lieu thereof the word "eighteen."

Deputy insurance commissioner.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1911.

CHAPTER 109.

AN ACT TO AUTHORIZE MARRIED WOMEN TO CONTRACT AND DEAL AS IF UNMARRIED.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand and ninety-four of the Revisal of one thousand nine hundred and five be and the same is hereby repealed, and the following substituted therefor: "That, subject to the provisions of section two thousand one hundred and seven of the Revisal of one thousand nine hundred and five, every married woman shall be authorized to contract and deal so as to affect her real and personal property in the same manner and with the same effect as if she were unmarried, but no con-

Power of married women to contract and deal with property.

Conveyance of real estate.

veyance of her real estate shall be valid unless made with the written assent of her husband as provided by section six of article ten of the Constitution, and her privy examination as to the execution of the same taken and certified as now required by law." Privy examination.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1911.

CHAPTER 110.

AN ACT TO AMEND CHAPTER 803 OF THE PUBLIC LAWS OF 1907, RELATIVE TO THE SALARY OF THE ADJUTANT GENERAL.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter eight hundred and three of the Public Laws of North Carolina, session of one thousand nine hundred and seven, be and the same is hereby amended by striking out the words "sixteen hundred," in line four of section one of said act, and inserting in lieu thereof the words "two thousand." Salary \$2,000.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1911.

CHAPTER 111.

AN ACT TO AMEND THE GENERAL INSURANCE LAW, CHAPTER 100 OF THE REVISAL OF 1905 OF NORTH CAROLINA, IN REGARD TO CLASSES OF INSURANCE.

The General Assembly of North Carolina do enact:

SECTION 1. That section four thousand seven hundred and twenty-six (4726) of the Revisal of one thousand nine hundred and five of North Carolina be amended to read as follows:

Formed under articles of agreement; confined to business specified. Insurance companies, associations, or orders may be formed as provided in the next two succeeding sections for any one of the following purposes, to wit: Formation of companies.

1. To insure against loss or damage to property by fire, lightning, wind, hail, or tornado, use and occupancy, and for nonoccupancy, upon the stock or mutual plan. Property insurance.

2. To insure upon the stock or mutual plan, vessels, freights, goods, money, effects, and money lent on bottomry or *respondentia*. Marine insurance.

against the perils of the sea and other perils usually insured against by marine insurance, including risks of inland navigation and transportation.

- Life, endowment and annuity insurance. 3. To carry on the business commonly known as life insurance on the stock or mutual plan, contract for the payment of endowments or annuities or make and enter into such other contracts conditioned upon the continuance or cessation of human life.
- Health insurance. 4. *Sickness*.—Against disablement resulting from sickness and every insurance appertaining thereto.
- Accident insurance. 5. *Accident*.—Against injury, disablement, or death resulting from traveling or general accident and every insurance appertaining thereto.
- Guaranty insurance. 6. *Fidelity and Surety*.—Guaranteeing the fidelity of persons holding places of public or private trust, and guaranteeing the performance of contracts other than insurance policies, and guaranteeing and executing all bonds, undertakings, and contracts of suretyship. And a company is authorized to execute such bonds, undertakings, and contracts of suretyship by itself, though a statute requires two or more sureties.
- Plate-glass insurance. Liability insurance. 7. *Plate Glass*.—Upon glass against breakage.
8. *Liability*.—Insuring any one against loss or damage resulting from accident to or injury, fatal or nonfatal, suffered by an employee or other person, for and which the person insured is liable.
- Boiler and machinery insurance. 9. *Boiler and Machinery*.—Upon steam boilers and upon pipes, engines, and machinery connected therewith or operated thereby, against explosion and accident and against loss or damage to life, person, or property resulting therefrom. And a company is authorized to make inspection of and to issue certificates of inspection upon such boilers, pipes, engines, and machinery.
- Burglary insurance. 10. *Burglary*.—Against loss by burglary or theft or both.
- Credit guaranty. 11. *Credit*.—To carry on the business commonly known as credit insurance or guaranty, either by agreeing to purchase uncollectible debts or otherwise to insure against loss or damage from the failure of persons indebted to the insured to meet their liabilities.
- Sprinkler inspection and insurance. 12. *Sprinkler*.—To insure against loss or damage by water to any goods or premises arising from the breakage or leakage of sprinklers and water pipes. And a company is authorized to make inspection of and to issue certificates of inspection upon such sprinklers and pipes.
- Insurance against damage by elevators or vehicles. 13. To insure against loss or damage to property arising from accidents to elevators, automobiles, bicycles and vehicles, except rolling-stock of railways.
- Live-stock insurance. 14. *Live Stock*.—To insure horses and other live stock against death and damage.
- Title guarantees. 15. *Real Estate Title*.—For the purpose of examining titles to real estate and furnishing information in relation thereto, and of insuring owners and others interested therein against loss by reason of encumbrances and defective title.

Miscellaneous.—Against any other casualty authorized by the charter of the company, not included under the heads of life, fire, marine, or title insurance, which is a proper subject of insurance. No corporation so formed shall transact any other business than that specified in its charter and articles of association.

SEC. 2. Amend section four thousand seven hundred and forty-eight, Revisal of one thousand nine hundred and five of North Carolina, to read as follows:

Limited to one class of business, when. No insurance company admitted to do business in the State shall be authorized to transact more than one class or kind of insurance therein, unless it has the requisite capital for such business engaged in, and such a company may undertake two or more of the classes of insurance set out in section four thousand seven hundred and twenty-six (4726) upon providing for each additional kind at least fifty thousand dollars additional capital: *Provided, however,* that in case life, fire, and credit insurance is added to any other line or lines, the additional capital shall be one hundred thousand dollars each, and shall have paid the license taxes and fees for each class or kind of insurance as by this chapter provided.

Miscellaneous insurance.

Classes of business.

Additional capital.
 Proviso: additional capital for life, fire and credit insurance.
 License taxes and fees.

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 6th day of March, A. D. 1911.

CHAPTER 112.

AN ACT TO PROMOTE THE SAFETY OF EMPLOYEES AND TRAVELERS UPON RAILROADS BY LIMITING THE HOURS OF SERVICE OF EMPLOYEES THEREON.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred and fifty-six of the Public Laws of one thousand nine hundred and seven be and the same is hereby repealed.

SEC. 2. That it shall be unlawful for any common carrier, its officers or agents, subject to this act, to require or permit any employee, subject to this act, to be or remain on duty for a longer period than sixteen consecutive hours, and whenever any such employee of such common carrier shall have been continuously on duty for sixteen hours he shall be relieved and not required or permitted again to go on duty until he has had at least ten consecutive hours off duty; and no such employee who has been on duty sixteen hours in the aggregate in any twenty-four-hour period shall be required or permitted to continue or again go on duty without having had at least eight consecutive hours off duty: *Provided,* that no operator, train dispatcher, or other employee who by the use of the telegraph or telephone dispatches reports, transmits, receives, or delivers orders pertaining to or

Sixteen hours limit of continuous service.

Hours off duty.

Proviso: operators and train dispatchers.

affecting train movements shall be required or permitted to be or remain on duty for a longer period than nine hours in any twenty-four-hour period in all towers, offices, places, and stations continuously operated night and day, nor for a longer period than thirteen hours in all towers, offices, places, and stations operated only during the daytime, except in case of emergency, when the employees named in this proviso may be permitted to be and remain on duty for four additional hours in a twenty-four-hour period on not exceeding three days in any week: *Provided further*, the Corporation Commission may, after full hearing in a particular case and for good cause shown, extend the period within which a common carrier shall comply with the provisions of this proviso as to such case.

Emergency duty.

Proviso: extension by corporation commission.

Penalty for violation of act.

Recovery of penalty.

Corporation commission to bring suits.
Time within which suit brought.

Common carrier charged with knowledge.
Proviso: casualties or unavoidable accident.

Proviso: wrecking crews.
Proviso: act in violation of act of Congress.

Corporation commission to enforce act.

SEC. 3. That any such common carrier, or any officer or agent thereof, requiring or permitting any employee to go, be, or remain on duty in violation of the second section hereof shall be liable to a penalty of not to exceed five hundred dollars for each and every violation, to be recovered in suit or suits to be brought in the name of the State of North Carolina on relation of the Corporation Commission in the Superior Court of Wake County or of the county in which the violation of this act occurred; and it shall be the duty of the said Corporation Commission to bring such suits upon satisfactory information lodged with it; but no such suit shall be brought after the expiration of one year from the date of such violation; and it shall be the duty of the said Corporation Commission to lodge with the proper solicitors information of any such violations as may come to its knowledge. In all prosecutions under this act the common carrier shall be deemed to have had knowledge of all acts of all its officers and agents: *Provided*, that the provisions of this act shall not apply in any case of casualty or unavoidable accident or the act of God; nor where the delay was the result of a cause not known to the carrier or its officer or agent in charge of such employee at the time said employee left a terminal, and which could not have been foreseen: *Provided further*, that the provisions of this act shall not apply to the crews of wrecking or relief trains: *Provided further*, this act shall not be construed to impose a penalty upon any common carrier for any act done in violation of the act of Congress, ratified March the fourth, one thousand nine hundred and seven, and entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," or any acts amendatory thereof.

SEC. 4. That it shall be the duty of the Corporation Commission to execute and enforce the provisions of this act, and all powers granted to the Corporation Commission are hereby extended to it in the execution of this act.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1911.

CHAPTER 113.

AN ACT TO PROTECT THE PROPERTY OF TELEPHONE AND TELEGRAPH COMPANIES.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to tap or make any connection with any wire or apparatus of any telephone or telegraph company operating in this State, except such connection as may be authorized by the persons or corporation operating such wire or apparatus, and any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than ten dollars or imprisoned not more than ten days for each offense.

Unauthorized tapping or connections forbidden.

Misdemeanor.
Punishment.

SEC. 2. That each day's continuance of such unlawful connection shall be a separate offense.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1911.

CHAPTER 114.

AN ACT TO PROVIDE THAT ELECTRIC POWER AND HYDRO-ELECTRIC POWER CORPORATIONS FOR THE DEVELOPMENT OF ELECTRIC POWER MAY APPROPRIATE PUBLIC HIGHWAYS ON CONSTRUCTING EQUALLY GOOD HIGHWAYS.

The General Assembly of North Carolina do enact:

SECTION 1. Every electric power or hydro-electric power corporation, which may exercise the right of eminent domain under the Public Laws of North Carolina, Revisal one thousand nine hundred and five, section twenty-five hundred and seventy-five, where, in the development of electric or hydro-electric power it shall become necessary to use or occupy any public highway, or any part of the same, after obtaining the consent of the board of county commissioners of the county in which such public highway is situate, shall have the power to appropriate said public highway for the development of electric or hydro-electric power: *Provided*, that said electric power or hydro-electric power corporation shall construct an equally good public highway, by a route to be selected by and subject to the approval and satisfaction of the board of county commissioners of the county in which said public highway is situated: *Provided further*, that said company shall pay all

Use of roads by consent of county commissioners.

Proviso: construction of new road.

Proviso: payment of damages.

damages to be assessed as provided by law, by the damming of water, the discontinuance of the road, and for the laying out of said new road.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 6th day of March, A. D. 1911.

CHAPTER 115.

AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN WASHINGTON, CHOWAN, AND TYRRELL COUNTIES.

Preamble.

Whereas the exact boundary line between the counties of Chowan, Washington, and Tyrrell is indefinite and uncertain: therefore,

The General Assembly of North Carolina do enact:

Line declared.

SECTION 1. That the true boundary line between the counties of Chowan on the one side, and Washington and Tyrrell on the other side, is hereby declared to be the middle of the Albemarle Sound, a straight line parallel to the shores of said counties.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 6th day of March, A. D. 1911.

CHAPTER 116.

AN ACT TO AMEND SECTION 2732, CHAPTER 66, OF THE REVISAL OF 1905, RELATING TO COMPENSATION OF THE PRINCIPAL CLERKS OF THE GENERAL ASSEMBLY.

Preamble.

Whereas it appears that in one thousand eight hundred and eighty-one, when there was a scant population of the State as compared with the year one thousand nine hundred and eleven, the population of one thousand eight hundred and eighty being one million three hundred and seventy-nine thousand seven hundred and fifty, and of one thousand nine hundred and ten two million two hundred and six thousand two hundred and eighty-seven, and it further appearing that the conditions and requirements of legislative work have increased to even a greater degree than was required at that time, and that the Journals of the respective branches of the General Assembly are more than five times as large as those of the year of one thousand eight hundred and eighty-one, and that it takes the principal clerks of the respective branches of this General Assembly a greater amount of time proportionate to the time taken in one thousand eight hundred and

eighty-one to prepare and transcribe and deliver to the Secretary of State, and to prepare the index to the Journals, which now consist of more than six times the Journal of the year one thousand eight hundred and eighty-one:

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand seven hundred and thirty-two, Revisal of one thousand nine hundred and five, chapter sixty-six, be amended as follows: Strike out the word "one" after the word "allowed," in line two, and insert in lieu thereof the word "two," and strike out the word "two" after the first word "and," in line four, and insert in lieu thereof the word "three."

Compensation for index.

Compensation for extra services.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 6th day of March, A. D. 1911.

CHAPTER 117.

AN ACT TO DEFINE SECTION 1 OF CHAPTER 89 OF THE PUBLIC LAWS OF 1907, AMENDING SECTION 1561 OF THE REVISAL OF 1905.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter eighty-nine of the Public Laws of one thousand nine hundred and seven, amending section one thousand five hundred and sixty-one of the Revisal of one thousand nine hundred and five, be amended as follows: By inserting after the word "born," in line seven, and before the word "of," in said line, the word "alive."

Child must be born alive.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1911.

CHAPTER 118.

AN ACT TO AMEND CERTAIN SECTIONS OF CHAPTER 89 OF THE REVISAL OF 1905 OF NORTH CAROLINA, RELATING TO THE TEXT-BOOK COMMISSION.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter eighty-nine of the Revisal of one thousand nine hundred and five of North Carolina be and the same is hereby amended as follows:

(a) In section four thousand and fifty-seven, after the word "is" and before the word "to," in line two, insert the words "acting conjointly with the subcommission."

Joint action of commission and subcommission.

- Advertisement for bids and proposals. (b) In section four thousand and fifty-eight, in line five, strike out the word "after," and insert in lieu thereof the words "at any time within six months before."
- Joint action. (c) In section four thousand and fifty-nine, in line three, strike out the word "after," and insert in lieu thereof the words "at any time within six months before."
- Branch of study. (d) In section four thousand and sixty, after the word "commission" and before the word "shall," in line two, insert the following words, "and the subcommission"; and strike out the words "theory and practice of teaching," in line nine.
- Joint action. (e) In section four thousand and sixty-one, after the word "commission" and before the word "as," in line two, insert the words "and subcommission."
- Appointment of subcommission. (f) Strike out all of section four thousand and sixty-three and substitute in lieu thereof the following: "*Subcommission to be appointed.* It shall be the duty of the Governor and the State Superintendent of Public Instruction to appoint a subcommission of six members, to be selected from among the teachers or county superintendents actually engaged in school work in this State, and members of the subcommission actually serving shall be paid a *per diem* of four dollars (\$4) per day during the time that they are actually engaged in such service, and in addition shall be repaid all money actually expended by them in payment of necessary expenses to be paid out of the public funds in the State Treasury, and they shall make out and swear to an itemized statement of such expenses."
- Pay of subcommission. (g) In section four thousand and sixty-six, after the word "commission" and before the word "shall," in line four, insert the words "and the subcommission," and after the word "in" and before the syllable "ex-," in the same line, insert the word "joint."
- Itemized statements. (h) Strike out all of section four thousand and sixty-seven and substitute in lieu thereof the following: "*Selection and adoption of books by the commission and the subcommission.* The commission and subcommission in their selection and adoption of a uniform series of text-books shall consider the merits of the books, taking into consideration their subject-matter, the printing, binding, material, and mechanical quality, their general suitability and desirability for the purposes intended, and the price; and shall give due consideration to the report and recommendation of the subcommission. The Text-book Commission and the subcommission in joint session shall select and adopt such books as will, in their judgment, best accomplish the ends desired; and, in case any books are deemed by them suitable for adoption and more desirable than other books of the same class or division submitted, and in case they consider the price at which such books are offered to be unreasonably high, and that the same should be offered at a smaller price, they are hereby authorized and directed to notify immediately the publishers of such books of their decision, and re-
- Joint action of commission and subcommission.
- Considerations governing selection.
- Reduction of price.

quest such reduction in price as they deem reasonable or just; and if they shall agree on a price with such publishers they may adopt such books; but upon failure to agree upon price, they shall use their sound judgment and discretion as to the adoption of those or of other books deemed by them to be the next best in the list submitted."

(j) In section four thousand and sixty-eight strike out all in line one after the word "bids," all in line two, and the words "days thereafter" at the beginning of line three, and substitute in lieu thereof the following words: "at any time within six months before the expiration of the now existing contracts." Advertisement
for bids.

(k) In section four thousand and seventy-three, after the word "commission" and before the word "to," in line two, insert the words "and the subcommission"; and after the word "in" and before the word "executive," in line three, insert the word "joint," and after the word "commission," at the end of line five, insert the words "and the subcommission." Joint action.

(l) In section four thousand and eighty-three, after the word "advance" and before the word "And," in line fifteen, insert the following: "The contractors shall maintain one or more joint State depositories at some convenient distributing point or points in the State, at which shall be kept at all times an ample supply of all adopted books for the convenient and expeditious supply of books to the local depositories in the various counties of the State. Whenever demanded and certified by the county superintendent of public instruction of any county to be necessary to secure and keep on hand an ample supply of books at any local depository, the contractors shall furnish books to such local depository upon consignment." State depositories.
Supply to local
depositories.

SEC. 2. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1911.

CHAPTER 119.

AN ACT RELATING TO THE TIME FOR HOLDING COURTS IN THE THIRTEENTH JUDICIAL DISTRICT, AND FIXING THE TIME THEREFOR.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter twenty-eight, section one thousand five hundred and six, of the Revisal of one thousand nine hundred and five, and the several acts amendatory of said section, in so far as Acts repealed.

the same relate to the time for holding courts in the Thirteenth Judicial District, be and the same are hereby repealed, and the following is substituted in lieu thereof:

THIRTEENTH DISTRICT.

- District. The Thirteenth Judicial District shall be composed of the following counties, and the Superior Courts thereof shall be held at the following times, to wit:
- Wilkes county. *Wilkes County*—Sixth Monday before the first Monday in March and continue for two weeks, for the trial of civil cases only; the first Monday after the first Monday in March and continue two weeks, for the trial of both civil and criminal causes; the fourth Monday before the first Monday in September and continue for two weeks, for the trial of both criminal and civil causes; the fourth Monday after the first Monday in September and continue for two weeks, for the trial of civil cases only.
- Catawba county. *Catawba County*—Fourth Monday before the first Monday in March and continue for two weeks, for the trial of both civil and criminal cases; the ninth Monday after the first Monday in March and continue for two weeks, for the trial of civil cases only; eighth Monday before the first Monday in September and continue for two weeks, for the trial of both civil and criminal cases; eighth Monday after the first Monday in September and continue for two weeks, for the trial of both civil and criminal cases.
- Alexander county. *Alexander County*—Second Monday before the first Monday in March and continue for one week; second Monday after the first Monday in September and continue for two weeks, each term being for the trial of both civil and criminal cases.
- Caldwell county. *Caldwell County*—The first Monday before the first Monday in March, to continue for two weeks, for the trial of criminal cases; eleventh Monday after the first Monday in March, to continue for two weeks, for the trial of civil cases only; fifteenth Monday after the first Monday in March, to continue for two weeks, for the trial of civil cases only; the second Monday before the first Monday in September, to continue for two weeks, for the trial of civil and criminal cases; the twelfth Monday after the first Monday in September, to continue for two weeks, for the trial of civil cases only.
- Mitchell county. *Mitchell County*—The fifth Monday after the first Monday in March and continue for two weeks, for the trial of criminal and civil cases; the sixth Monday before the first Monday in September, to continue for two weeks, for the trial of civil cases only; the tenth Monday after the first Monday in September, to continue for two weeks, for the trial of civil and criminal cases.
- Watauga county. *Watauga County*—The third Monday after the first Monday in March, to continue for two weeks; the first Monday in September, each term to continue for two weeks, for the trial of both civil and criminal cases.

Avery County—The seventh Monday after the first Monday in Avery county. March, to continue for two weeks, for the trial of both civil and criminal cases; the sixth Monday after the first Monday in September, to continue for two weeks, for the trial of both civil and criminal cases.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed. Repealing clause.

SEC. 3. That the Secretary of State be and he is hereby directed to transmit certified copies of this act to the clerks of the Superior Courts of the several counties of said district. Copies of act transmitted.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1911.

CHAPTER 120.

SUBSTITUTE FOR SENATE BILL No. 38, AMENDING SECTION 1762 OF THE REVISAL, PERTAINING TO APPOINTMENT OF GUARDIAN.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand seven hundred and sixty-two of the Revisal of one thousand nine hundred and five of North Carolina be amended as follows: After the word "lifetime," in line two, insert "and with the written consent and privy examination of the mother, if she be living"; and also insert after the word "writing," in line three, the following: "if the mother be dead."

Consent of mother to appointment.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1911.

CHAPTER 121.

AN ACT MAKING APPROPRIATIONS FOR STATE INSTITUTIONS.

The General Assembly of North Carolina do enact:

SECTION 1. That the sum of thirty thousand dollars (\$30,000) is hereby annually appropriated for the support and maintenance of the Soldiers' Home located at Raleigh, and an addition of three thousand four hundred dollars (\$3,400) annually for the years one thousand nine hundred and eleven and one thousand nine hundred and twelve, to pay the present deficit. Soldiers' home.

School for deaf and dumb.

SEC. 2. That the sum of fifty-five thousand dollars (\$55,000) is hereby appropriated annually for the support and maintenance of the North Carolina School for the Deaf and Dumb, located at Morganton, which appropriation shall include the cost of specialists for eye, ear, nose, etc.; and a further sum of ten thousand dollars (\$10,000) is hereby appropriated annually for the years one thousand nine hundred and eleven and one thousand nine hundred and twelve, for installing a water system; and the further sum of two thousand dollars (\$2,000) is hereby appropriated annually for the years of one thousand nine hundred and eleven and one thousand nine hundred and twelve, for equipment and finishing floors.

Colored orphan asylum.

SEC. 3. The sum of six thousand dollars (\$6,000) is hereby appropriated annually for the support and maintenance of the Orphan Asylum for the Colored Race, located at Oxford.

Appalachian training school.

SEC. 4. That the sum of ten thousand dollars (\$10,000) is hereby appropriated annually for the support and maintenance of the Appalachian Training School for teachers, at Boone; and the further sum of five thousand dollars (\$5,000) is hereby appropriated annually for years one thousand nine hundred and eleven and one thousand nine hundred and twelve, for equipment and improvements and enlargement of plant.

Cullowhee normal and industrial school.

SEC. 5. That the sum of ten thousand dollars (\$10,000) is hereby annually appropriated for the support and maintenance of the Cullowhee Normal and Industrial School at Cullowhee; and the further sum of seven thousand five hundred dollars (\$7,500) is hereby appropriated annually for years one thousand nine hundred and eleven and one thousand nine hundred and twelve, for equipment and improvements.

North Carolina institution for deaf and dumb and the blind.

SEC. 6. That the sum of seventy-two thousand five hundred dollars (\$72,500) is hereby appropriated annually for the support and maintenance of the North Carolina Institution for the Deaf and Dumb and the Blind, located at Raleigh; and the further sum of one hundred dollars (\$100) is hereby appropriated annually for library incidentals.

Hospital for colored race.

SEC. 7. That the sum of eighty-five thousand dollars (\$85,000) is hereby appropriated annually for the support and maintenance of the State Hospital for the Colored Race, located at Goldsboro; and the further sum of fifteen hundred dollars (\$1,500) is hereby appropriated annually for years one thousand nine hundred and eleven and one thousand nine hundred and twelve, for fire-escapes and other necessary improvements.

State hospital at Raleigh.

SEC. 8. That the sum of one hundred seventy-five thousand dollars (\$175,000) is hereby annually appropriated for the support and maintenance of the State Hospital located at Raleigh, including the Epileptic Department.

State hospital at Morganton.

SEC. 9. That the sum of one hundred ninety-five thousand dollars (\$195,000) is hereby annually appropriated for the support and maintenance of the State Hospital located at Morganton, out of which sum fire-escapes shall be provided.

SEC. 10. That the sum of fifteen thousand dollars (\$15,000) is hereby annually appropriated for the support and maintenance of the Stonewall Jackson Training School, located at Concord; and the further sum of ten thousand dollars (\$10,000) is hereby annually appropriated for the years one thousand nine hundred and eleven and one thousand nine hundred and twelve, for buildings and other necessary improvements.

Stonewall Jackson training school.

SEC. 11. That the sum of forty-five thousand dollars (\$45,000) is hereby annually appropriated for the support and maintenance of the East Carolina Training School, located at Greenville, out of which sum the present deficit shall be paid.

East Carolina training school.

SEC. 12. That the sum of two thousand two hundred and fifty dollars (\$2,250) is hereby annually appropriated for the support and maintenance of the Croatan Normal School, located in Robeson County, and the further sum of one thousand dollars (\$1,000) is hereby annually appropriated for years one thousand nine hundred and eleven and one thousand nine hundred and twelve, for buildings and other necessary improvements.

Croatan normal school.

SEC. 13. The sum of eighty-seven thousand dollars (\$87,000) is hereby annually appropriated for the support and maintenance of the University of North Carolina, located at Chapel Hill; and the further sum of fifty thousand dollars (\$50,000) is hereby appropriated annually, for four years, for permanent improvements.

University of North Carolina.

SEC. 14. The sum of eighty-seven thousand dollars (\$87,000) is hereby annually appropriated for the support and maintenance of the State Normal and Industrial College, located at Greensboro; and the further sum of twenty-five thousand dollars (\$25,000) is hereby appropriated annually for four years, for permanent improvements; and the dormitory to be built out of this fund shall be dedicated to the memory of the Noble Women of the Confederacy.

State normal and industrial college.

SEC. 15. That the sum of eighty thousand dollars (\$80,000) is hereby appropriated annually for the support and maintenance of the North Carolina College of Agriculture and Mechanic Arts, located at Raleigh; and the further sum of fifteen thousand dollars (\$15,000) is hereby appropriated annually for years one thousand nine hundred and eleven and one thousand nine hundred and twelve, for permanent improvements.

College of agriculture and mechanic arts.

SEC. 16. That the sum of twelve thousand five hundred dollars (\$12,500) is hereby appropriated annually for the support and maintenance of the North Carolina Sanatorium for the Treatment of Tuberculosis, located at Montrose; and the further sum of ten thousand dollars (\$10,000) is hereby annually, for the years one thousand nine hundred and eleven and one thousand nine hundred and twelve, appropriated for buildings and other necessary permanent improvements.

North Carolina sanatorium for treatment of tuberculosis.

SEC. 17. That the sum of twelve thousand five hundred dollars (\$12,500) is hereby appropriated annually for the support and

North Carolina agricultural and mechanical college for colored race.

maintenance of the North Carolina Agricultural and Mechanical College for the Colored Race, located at Greensboro; and the further sum of seven thousand five hundred dollars (\$7,500) is hereby annually appropriated for buildings and other necessary permanent improvements.

Graves of confederate dead.

SEC. 18. That the sum of two hundred dollars (\$200) is hereby annually appropriated for the purpose of marking the graves of the Confederate dead in the Confederate Cemetery in Raleigh, North Carolina.

Aid to weaker school districts.

SEC. 19. That the one hundred thousand dollars (\$100,000) appropriated by chapter five hundred and forty-three, section three, Public Laws of one thousand nine hundred and one, to aid the weaker public-school districts in extending their term to four months, shall still be used to equalize, as near as may be, the school term between the counties of the State and to extend the school term in all counties to a term of five (5) months, as near as may be, and said section is modified as herein set forth.

Guilford battle-ground company.

SEC. 20. That the sum of five hundred dollars (\$500) annually is hereby appropriated for Guilford Battle-ground Company, and two hundred dollars (\$200) additional annually for two years for the erection of monuments, and all other appropriations made for this company are hereby repealed.

North Carolina room in confederate museum.

SEC. 21. That the sum of two hundred dollars (\$200) per annum be and the same is hereby appropriated for the purpose of caring for and maintaining the "North Carolina Room" in the Confederate Museum at Richmond, Virginia; this amount to be paid by the Treasurer of the State to the United Daughters of the Confederacy and to the person designated in such order, and for the purposes above named; and all other appropriations made for this Museum are hereby repealed.

SEC. 22. That all laws and clauses of laws heretofore made containing appropriations for any of the institutions or purposes mentioned in this act are hereby repealed.

SEC. 23. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1911.

CHAPTER 122.

AN ACT TO ESTABLISH A REFORM AND MANUAL TRAINING SCHOOL FOR COLORED YOUTHS.

Preamble.

Whereas it appears to the General Assembly that there are in this State many negro youths between the ages of seven and sixteen years who violate the criminal law, and that while such youths should be detained and punished and taught the doctrine

of religion, good morals, and how to work, it would be to the best interest of such youths and criminals that they be not associated with older and more hardened criminals, but that they should be kept separate therefrom :

The General Assembly of North Carolina do enact :

SECTION 1. That Rev. George C. Clement, Bishop George W. Clinton, Prof. S. B. Pride, H. L. McCrorey, D. D., F. J. Anderson, Dr. A. A. Wyche, R. J. Beverly, W. P. Evans, and seven other trustees or directors, and their successors, be and they are hereby incorporated under the name and style of the Reform and Manual Training School for Colored Youths, by which name they may sue and be sued, plead and be impleaded, hold, use, and sell and convey real estate, receive gifts and donations and appropriations, and do all other things necessary and requisite for the purpose of its organization as hereinafter specified.

Trustees named and incorporated.

Corporate name.

Corporate powers.

SEC. 2. *Location; trustees to organize; purpose of school.* The trustees are empowered to purchase at some suitable and convenient point in this State, outside of and away from any city, town, or village, not less than one hundred acres nor more than five hundred acres of land whereon to erect and operate a school for the training and moral and industrial development of the criminally delinquent colored children of the State; and when such school shall have been organized, the trustees may in their discretion receive therein such delinquent and criminal colored children under the age of sixteen years as may be sent or committed thereto under any order of commitment by the judges of the Superior Courts or the recorders or other presiding officers of the city or criminal courts, and shall have the sole right and authority to keep, restrain, and control them during their minority, or until such time as they shall deem proper for their discharge, under such proper and humane rules and regulations as may be adopted by said trustees. All laws and clauses of laws in conflict with this section are repealed.

Trustees to purchase site.

Receipt of youths on commitment.

Restraint and control.

SEC. 3. *Trustees, how chosen.* The trustees named and the seven other persons shall be divided into three classes: (1) to serve for six years; (2) to serve for four years; (3) to serve for two years. At the expiration of the terms of office of each class of trustees, if the State shall at such time be appropriating to the support of the said institution a sum of not less than five thousand dollars per annum, the Governor shall have the right to fill by appointment two of the vacancies so occurring, and the board to fill the other three by election of such persons as they may see fit, and all vacancies in said board shall continue to be filled in the above manner; but in case the State shall refuse to appropriate at least the aforesaid sum, then the State shall forfeit all right to appoint any trustees

Trustees classified.

Terms of office.

Appointment of successors.

or require any account or statements as provided by law, and said school shall then be governed by the general laws applicable to charitable institutions of like character not receiving State appropriations, and said board may fill all vacancies therein by election. If, however, the General Assembly shall at its present session of one thousand nine hundred and eleven vote an appropriation to said school, then it shall be the duty of the Governor to call, not later than the first day of September, one thousand nine hundred and eleven, a meeting of the trustees herein named, at his office in Raleigh, and at such meeting the said trustees shall proceed to the election of a treasurer, superintendent for said school, and such other officers for said board and said school as they may deem proper. The seven other trustees not herein selected shall be selected in the following manner: If the General Assembly shall make an appropriation to the school, the said seven other trustees as mentioned heretofore shall be selected by the Governor, by and with the advice of the eight trustees named above; but if the General Assembly shall refuse to vote such appropriation, then the eight trustees named shall have the power and right to select the said seven other trustees.

Governor to call meeting.

Organization.

Selection of remaining trustees.

Management and control of school.

Superintendent and other assistants.

Powers of superintendent. Correction and punishments.

Power of trustees to discharge superintendent.

Proclamation by governor.

Judge to sentence youthful criminals.

Proviso: commitment in discretion of judge. Commitment authority for detention.

SEC. 4. *Powers and duties of trustees generally; selected officers.* The board of trustees shall have the management and control of the school, and shall have authority to employ a superintendent and such other assistants as they may deem necessary; to fix their salaries, to define their duties, to discharge any employees, and to make any and all rules and regulations as they may deem necessary for the management and conducting said reformatory, under the provisions of this charter and not inconsistent therewith.

SEC. 5. *Superintendent's powers.* The superintendent employed by the board of trustees shall have the right, and is hereby authorized, to require obedience from all the inmates of the school, and is hereby intrusted with the authority for correcting and punishing any inmate thereof, to the same extent as a parent may under the law impose upon his own child; and the said trustees shall have the right to discharge at any time said superintendent for cause.

SEC. 6. *Duty of judges to sentence youthful criminals to; commitment full authority for keeping child.* It shall be the duty of the Governor, when the reformatory or school is ready to receive inmates, to make proclamation thereof, and the judges of the Superior Courts, recorders or other presiding officers of the city or criminal courts of this State, shall have the authority, and it shall be their duty, to sentence to said school all persons under the age of sixteen years convicted in any court of this State of any violation of the criminal laws: *Provided* such judge or other of said officers shall be of the opinion that it would be best for such person, and the community in which such person may be convicted, that such person should be so sentenced. And commitment,

whether by judge or court, as hereinbefore provided, shall be full, sufficient and competent authority to the officers and agents of said school for the detention and keeping therein of the child so committed.

SEC. 7. *Governor may transfer youthful prisoners to.* The Governor of the State may by order made transfer any colored person under the age of sixteen years from any jail, chain gang, or penitentiary in this State to said reformatory. Governor may order transfer of young convicts.

SEC. 8. *Inmates ungovernable removed.* In the event that it shall appear to the board of trustees that any inmate of the school is or becomes ungovernable and is exerting an unwholesome influence over any other inmate, it shall be their duty to certify the same to the Governor of the State, and he may order such inmate to the State's Prison or to the jail or chain gang in the county in which such inmate was convicted, where such person shall serve out his unexpired term. Governor may order transfers to penitentiary or county jail.

SEC. 9. *Males and females separated.* The males and females shall be kept in separate apartments or buildings. Males and females separated.

SEC. 10. *The training of inmates.* The officers of the school shall receive and take into it all children committed thereto by competent authority, or received therein as aforesaid, and shall cause all such children in the school to be instructed in such rudimentary branches of useful knowledge as may be suited to their various ages and capacities. The said children shall be taught such useful trades and given such manual training as the board may direct. And such children shall perform such manual labor as the principal or other superintending officers, subject to the direction of said board, may order. All inmates shall, if possible, be taught the precepts of the Holy Bible, good moral conduct, how to work and to be industrious. The board of directors shall first establish and maintain such departments of the Manual Training School as shall be adapted to the use of such class of boys as in the discretion of the board shall be most in need of such care and training and will probably be most benefited thereby. Education of inmates. Manual training. Manual labor. Moral training. Manual training school.

SEC. 11. *Farms and workshops conducted.* There shall be established and conducted on such lands as may be owned in connection with said school such agriculture, horticulture, workshops, and other pursuits as the board of trustees may deem expedient so as to keep regularly at work all able-bodied inmates. Farms and workshops.

SEC. 12. *Maintenance.* All moneys received by the trustees by private gifts, donations, or otherwise shall be expended in the establishment, operation, and maintenance of the school for the training and moral and industrial development of such delinquent children, and in securing homes for them; and in case the trustees receive or are allowed any State aid for said school, it shall be Expenditures of money.

Accounts and reports.

their duty to duly account for all moneys so received by them and to make report of the manner of its expenditure and of the work done by them as hereinafter more particularly provided for.

Treasurer and superintendents to give bonds.

SEC. 13. *Bond of treasurer.* The treasurer and superintendent shall, before receiving any funds from the State, make a good and sufficient bond, payable to the State of North Carolina, in such sums as may be named by the Governor and approved by the State Treasurer.

Governor to visit school annually.

SEC. 14. *Governor to visit school and make suggestions.* It shall be the duty of the Governor of the State to visit the reformatory at least once in each year, and oftener if he deem it necessary, and to make such suggestions to the board of trustees as he may deem wise and for the best interest of the said school or reformatory.

General assembly may change laws and regulations.

SEC. 15. *General Assembly may change regulations.* Nothing in this chapter shall prevent the General Assembly from altering, changing, and modifying the law and regulations governing this school and its officers and directors in such manner and at such time as to it may seem best.

Children received on application of parents.

SEC. 16. By and with the consent of parents, guardians, or trustees, any boy or girl who has become unruly and is continuing to show signs of degeneracy may be admitted to the Reform and Manual Training School for Colored Youths on the same terms and conditions as those who have been convicted or submitted to a criminal charge in open court, on the application of the parents, guardians, or trustees of such children as heretofore mentioned; and on application of such parents, guardians, or trustees, as heretofore mentioned, any judge of the Superior Court, recorder, or justice of the peace of the State may exercise the same rights and discretion in committing boys or girls of this class to the school the same as those who have been convicted or submitted in open court.

Commitment by judge.

Discharge of children admitted on request.

SEC. 17. That the trustees or the superintendent of the Reform and Manual Training School for Colored Youths may in their judgment discharge such criminal youths that may have been admitted into the Reform and Manual Training School by and with the consent of the parents, guardians, or trustees, when it appears to them that the boy or girl has undergone a complete reformation, and shows signs of thrift, industry, and usefulness, and to become a good and useful citizen.

SEC. 18. This act shall be in force from and after its ratification. Ratified this the 7th day of March, A. D. 1911.

CHAPTER 123.

AN ACT REQUIRING AND REGULATING THE PUBLICATION OF RECEIPTS AND DISBURSEMENTS OF PUBLIC MONEYS.

The General Assembly of North Carolina do enact:

SECTION 1. That statements, showing the receipts and disbursements of public moneys by municipal corporations, *quasi*-municipal corporations, and administrative boards of limited territorial jurisdiction, under grant of power from the State, shall be regularly published, as follows:

Statements of receipts and disbursements.

1. The boards of aldermen or other governing bodies of all incorporated cities and towns having a population of three thousand or over shall cause to be published, as hereinafter provided, either monthly or quarterly statements of all municipal receipts and disbursements, which shall be itemized and show from what source received and to whom and on what account paid, and shall likewise cause to be published annually, at the end of each and every fiscal year, condensed and classified statements of such municipal receipts and disbursements, showing the source from which received and the account on which expended.

Cities and towns of 3,000 or greater population.

Monthly or quarterly statements.

Annual statements.

2. The boards of commissioners of all incorporated towns having a population of less than three thousand; boards of graded-school trustees and other governing and administrative bodies of public-school districts created by special act of the General Assembly; county boards of education; boards of road commissioners and fence commissioners charged with the supervision, maintenance, and repair of public roads and fences; the governing bodies of all other *quasi*-municipal corporations; all other administrative boards of limited territorial jurisdiction under grant of power from the State, charged with the receipt and disbursement of public moneys, and for the publication of whose receipts and disbursements no other provision is made by law, shall cause to be published annually, at the end of each and every fiscal year, statements of all receipts and disbursements of public moneys collected and expended; which statements shall be itemized in the manner provided in the preceding subsection for itemizing monthly and quarterly statements of municipal receipts and disbursements, and shall further contain a classified summary of such receipts and disbursements, showing the source from which received and the account on which expended.

Itemized statements of other institutions published annually.

SEC. 2. That all statements of receipts and disbursements hereinafore provided for shall be published in some newspaper having its place of publication, or which is of general circulation, in

Publication.

Cost of publica-
tion.

the county, city, or town in which such public moneys are collected and expended; and the cost of such publication shall not exceed one-half of one cent per word.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1911.

CHAPTER 124.

AN ACT SUPPLEMENTAL TO AN ACT ENTITLED "AN ACT TO REQUIRE THE RAILROADS OF NORTH CAROLINA TO SUPPLY ADDITIONAL FACILITIES AT DEPOTS TO EXCHANGE MILEAGE," ENACTED AT THE PRESENT SESSION OF THE NORTH CAROLINA LEGISLATURE, 1911.

Preamble.

Whereas the present General Assembly has enacted a law which, among other provisions, requires railroad companies to check baggage upon presentation of mileage books and the removal therefrom of the baggage slips, but as provided in said act there is no method by which the convenience of the public can be protected and the rights of the railroad companies safeguarded; and whereas it is desirable that reasonable regulations, with regard to both of said purposes, shall be provided, to be put into effect on the first day of May, one thousand nine hundred and eleven, when the said act shall go into effect: now, therefore,

Preamble.

The General Assembly of North Carolina do enact:

Corporation commission to promulgate rules and regulations for checking baggage on mileage books.

SECTION 1. That the Corporation Commission is hereby empowered and directed to take into consideration the fourth section of the present act of the General Assembly referred to in the preamble of this act, and promulgate such rules and regulations, with regard to checking baggage on mileage tickets, as, in the opinion of the said Corporation Commission, shall be necessary and proper to safeguard and protect both the convenience of passengers and the rights of railroad companies; and the said rules and regulations of the said Corporation Commission, when so promulgated, shall have the same force and effect as if the said regulations were a part of section four of said act.

Time for promulgation of rules.

SEC. 2. The Corporation Commission shall formulate and promulgate the said rules on or before the fifteenth day of April, and the railroad companies shall, after the first day of May, check baggage upon such mileage in accordance with the rules and regulations which shall be so promulgated.

When same to be effective.

SEC. 3. This act shall be in force from and after its ratification.
Ratified this the 8th day of March, A. D. 1911.

CHAPTER 125.

AN ACT TO ENABLE THE NORTH CAROLINA SCHOOL FOR THE DEAF AND DUMB TO SECURE AN ADEQUATE WATER SUPPLY, AND TO JOIN WITH OTHER PERSONS, FIRMS, OR CORPORATIONS FOR THAT PURPOSE.

Whereas the present water supply of the North Carolina School for the Deaf and Dumb is inadequate, and it is necessary to provide an increased supply, preferably by gravity system, which will provide an abundance of pure water from the mountain streams; and whereas the cost of such adequate water supply has not as yet been fully ascertained, and it may be found desirable that said North Carolina School for the Deaf and Dumb join with one or more persons, firms, or corporations in constructing a water system: now, therefore,

Preamble.

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of providing such adequate water supply, and acquiring the necessary lands and easements, and constructing, operating, maintaining, and protecting the necessary reservoirs, pipe lines, standpipes, conduits, mains, and service lines, the North Carolina School for the Deaf and Dumb may join with one or more persons, firms, or corporations, private or municipal, upon such terms as may be just and equitable, and as may be approved by the board of directors of said the North Carolina School for the Deaf and Dumb, acting by and with the advice of the Attorney-General of North Carolina.

Joint action authorized.

SEC. 2. That should said directors of the said the North Carolina School for the Deaf and Dumb deem it advisable to join with a private corporation for the purpose set out in the second section of this act, then said the North Carolina School for the Deaf and Dumb may take and hold stock or purchase and hold the bonds of said private corporation upon such just and equitable terms as its board of directors, acting upon the advice of the Attorney-General of North Carolina, may approve.

Power to purchase and hold stock or bonds of private corporation.

SEC. 3. That in addition to the powers conferred upon said the North Carolina School for the Deaf and Dumb by its charter and the acts amendatory thereof and under the general laws of North Carolina, the right of eminent domain is hereby expressly conferred upon said the North Carolina School for the Deaf and Dumb, the same to be exercised in acquiring and protecting the necessary watersheds, reservoir sites, and rights of way for pipe lines, standpipes, mains, and service lines, or for acquiring and holding such other real estate, rights of way, or other easements as may be necessary or convenient for the establishment, construction, operation, maintenance, and protection of said water supply and the appurtenances thereof, whether the same be constructed and operated by

Right of eminent domain.

said the North Carolina School for the Deaf and Dumb alone or by said the North Carolina School for the Deaf and Dumb jointly with one or more persons, firms, or corporations, or by a private corporation in which said the North Carolina School for the Deaf and Dumb is a stockholder or a purchaser of mortgage or other bonds.

Procedure.

SEC. 4. That in exercising the right of eminent domain hereby conferred the procedure shall, as far as practicable, conform to and be governed by chapter sixty-one, sections two thousand five hundred and seventy-five to two thousand five hundred and seventy-eight, both inclusive, of the Revisal of North Carolina of one thousand nine hundred and five, and the acts amendatory thereof.

Consultation with
State board of
health.

SEC. 5. That in establishing, constructing, operating, and protecting said system of waterworks, whether alone or jointly with one or more persons, firms, or corporations, said the North Carolina School for the Deaf and Dumb shall consult with the North Carolina Board of Health, and shall be entitled to the services of the engineer employed by said board.

Services of
engineer.

SEC. 6. All laws or clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 7. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1911.

CHAPTER 126.

AN ACT TO AMEND CHAPTER §57 OF THE PUBLIC LAWS OF 1907, RELATING TO THE PROTECTION OF FOOD FISH IN CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Law extended.

SECTION 1. That section one, chapter eight hundred and fifty-seven, Public Laws one thousand nine hundred and seven, be amended by striking out the word "County," in lines three and seven of said section, and insert in lieu thereof the words "and Onslow counties."

Law extended.

SEC. 2. That section two of said chapter be amended by striking out the word "county," in lines two and three of said section, and insert in lieu thereof the word "counties."

Limit of fine.

SEC. 3. That section four of said chapter be amended by striking out the words and figures "five hundred dollars (\$500)" and insert in lieu thereof the words and figures "two thousand dollars (\$2,000)."

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 4th day of March, A. D. 1911.

CHAPTER 127.

AN ACT TO AMEND SECTION 2442 OF THE REVISAL OF 1905, LAWS OF NORTH CAROLINA, RELATIVE TO FISHING IN PASQUOTANK RIVER.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand four hundred and forty-two of the Revisal of one thousand nine hundred and five, Laws of North Carolina, be and the same is hereby amended by striking out all the words in lines one and two in said section between the word "person," in line one, and the word "shall," at the beginning of line three in said section.

Prohibition of pound nets stricken out.

SEC. 2. This act shall be in full force and effect from and after its ratification.

Ratified this the 3d day of March, A. D. 1911.

CHAPTER 128.

AN ACT TO REGULATE THE FISHING IN CARTERET COUNTY IN THE WATERS OF NEUSE RIVER.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be lawful to fish pound nets from January first to May first of each year within the waters of that portion of Carteret County, with a line beginning at the northwest point of outward Swan Island, running a due north course; from such line running up the Neuse River to the spar buoy at the entrance of Adams Creek: *Provided*, that not more than five nets shall be set in any one stand: *Provided further*, that not more than one-third of the river in width shall be used for the purpose of fishing under this act.

Fishing with pound nets. Season. Boundary.

SEC. 2. Any person, firm, corporation, or syndicate fishing with pound nets in the waters of Carteret County at any other time except as prescribed in section one of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two hundred dollars or imprisoned not less than six months, in the discretion of the court. It is expressly enacted that every day such fishing is done in violation of this act shall constitute a separate offense.

Fishing at other times a misdemeanor.

Punishment.

Separate offenses.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 4. This act shall be in force from and after its ratification. Ratified this the 3d day of March, A. D. 1911.

CHAPTER 129.

AN ACT TO AMEND CHAPTER 378 OF THE PUBLIC LAWS OF 1909, RELATIVE TO FISHING IN LAKE PHELPS OR SCUPPERNONG.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter three hundred and seventy-eight of the Public Laws of one thousand nine hundred and nine be and the same is hereby amended by striking out section one thereof and inserting in its place the following:

Use of pound, pond, and gill nets regulated.

“That it shall be unlawful for any person, firm, or corporation to set or in any manner fish with more than one hundred yards of gill nets within the waters of Lake Phelps or Scuppernong in Tyrrell and Washington counties, or to set or in any manner fish with more than one pound, pond, or dutch net, and shall be restricted to the months of February, March, and April of each year.”

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 3d day of March, A. D. 1911.

CHAPTER 130.

AN ACT TO REGULATE FISHING IN CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Length of nets and seines.

SECTION 1. That it shall be unlawful for any person, firm, corporation, or syndicate to fish any net or seine in the waters of the State of North Carolina within the boundaries of Carteret County more than two hundred and seventy-five yards in length: *Provided*, this length shall not apply to purse seines used for the purpose of catching menhaden (fatbacks) only. Any person, firm, corporation, or syndicate violating this section shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or be imprisoned not more than thirty days, in the discretion of the court. Each day said nets or seines are fished shall constitute a separate offense under this act.

Proviso: purse seines for menhaden.

Misdemeanor. Punishment.

Separate offenses.

Jointure of nets for temporary use.

SEC. 2. That when a condition arises that a crew of fishermen find it advantageous to join two or three nets together for the purpose of temporary fishing, it shall be lawful under this act to do so under the following rules and regulations, namely (*Provided*, such nets when joined together shall not be fished in the bite of Cape Lookout):

Proviso: bite of Cape Lookout.

Total length of joint nets.

(a) The total length of nets joined together shall not exceed eight hundred and twenty-five yards.

(b) That not more than one of the nets (two hundred seventy- Ownership of nets, five yards) shall be owned by any one person, firm, corporation, or syndicate thus fishing.

(c) That not less than two men shall be permitted to fish with Number of hands, each net thus joined together.

(d) That no position or haul shall be held by anchoring boat Fastening, (except when occupied by men fishing same), buoys, stakes, or any other device.

(e) That no seines or nets shall be hauled by capstans.

Capstans forbid-
den,
Mesh.

(f) That no nets of smaller mesh than $1\frac{3}{8}$ " bar or $2\frac{6}{8}$ " stretched measure shall be joined together for the purpose of fishing under this section.

(g) That no nets thus joined shall be fished in the waters of the Stationary fishery, State of North Carolina within the boundaries of Carteret County at any stationary fishery.

(h) That the fishing of such nets thus joined together shall not Interdicted waters, be permitted in the waters of Carteret County where said waters are of less width than one and one-fourth miles.

SEC. 3. It is expressly enacted that each net joined together Staffs, under section two of this act shall have two staffs.

SEC. 4. Any person violating any of the provisions of section Misdemeanor, two of this act shall be guilty of a misdemeanor, and upon con- Punishment, viction shall be fined not less than two hundred dollars or imprisoned not less than six months.

SEC. 5. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified this the 4th day of March, A. D. 1911.

CHAPTER 131.

AN ACT TO SAFEGUARD THE STATE'S INTEREST IN RAILROADS, TURNPIKES, AND OTHER WORKS OF INTERNAL IMPROVEMENTS AND INSTITUTIONS IN WHICH THE STATE HAS INTEREST.

The General Assembly of North Carolina do enact:

SECTION 1. That no corporation or company in which the State Mortgage or encumbrance has or owns any stock or any interest shall sell, lease, mortgage, forbidden, or otherwise encumber its franchise, right of way, or other property, except by and with the approval and consent of the Board of Exception. Internal Improvements and the Council of State.

SEC. 2. That for the better safeguarding of the State's interest Appropriation, in railroads, turnpikes, and other works of internal improvements

and institutions in which the State has an interest, and buildings in their charge, the State Treasurer is authorized and directed to place the sum of three thousand five hundred dollars annually for two years to the credit of the Board of Internal Improvements, and the said sum is hereby appropriated for that purpose out of any funds not otherwise appropriated, to be paid on the warrant of the Governor.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1911.

CHAPTER 132.

AN ACT TO AMEND CHAPTER 222 OF THE PUBLIC LAWS OF NORTH CAROLINA OF 1909.

The General Assembly of North Carolina do enact:

Shade Miller included in Ashe County.

SECTION 1. That chapter two hundred and twenty-two of the Public Laws of one thousand nine hundred and nine be and the same is hereby amended as follows: In section one and line five, by adding after the word "T. F. Miller" the words "and Shade Miller."

SEC. 2. This act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1911.

CHAPTER 133.

AN ACT TO PROHIBIT THE SALE OR HANDLING OF INTOXICATING LIQUORS BY CLUBS OR ASSOCIATIONS.

The General Assembly of North Carolina do enact:

Keeping and maintenance forbidden.

SECTION 1. That any corporation, club, association, person or persons, that shall directly or indirectly keep or maintain by itself, himself, or themselves, or by association with others or by any other means, or that shall in any manner aid, assist, or abet another or others in keeping or maintaining a clubroom or other place where intoxicating liquors are received, kept, or stored for barter, sale, exchange, distribution, or division among the members of any such club or association or aggregation of persons, or to or among any other person or persons by any means whatever, or that shall act as agents in ordering, procuring, buying, storing, or keeping intoxicating liquors for any such purpose, shall be

Acting as agent forbidden.

guilty of a misdemeanor: *Provided*, this act shall not apply to drug stores or medical depositories authorized to sell liquor on prescription as now provided by law, or to churches using same for sacramental purposes, or to hospitals or asylums keeping intoxicating liquors for medical purposes.

Proviso: drug stores, medical depositories, churches, hospitals and asylums.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1911.

CHAPTER 134.

AN ACT TO AMEND SECTION 4782 OF THE REVISAL OF 1905, TO PROVIDE FOR THE WITHDRAWAL OF SECURITIES BY LIFE INSURANCE COMPANIES ONLY WITH THE CONSENT OF THE POLICYHOLDERS.

The General Assembly of North Carolina do enact:

SECTION 1. That section four thousand seven hundred and eighty-two of the Revisal of one thousand nine hundred and five be amended by adding at the end thereof the following words: "and any life insurance company may withdraw such securities by and with the consent of the policyholder only; and in case of such withdrawal, the certificate of registration in each case must be surrendered for cancellation, or a receipt from the policyholder, satisfactory to the Insurance Commissioner, must be produced before such withdrawal of deposits shall be allowed."

Withdrawal on consent of policyholder.
Certificate returned for cancellation.
Receipt from policyholder.

SEC. 2. This act shall be in force from and after its ratification.
Ratified this the 7th day of March, A. D. 1911.

CHAPTER 135.

AN ACT TO AMEND CERTAIN SECTIONS OF CHAPTER 89 OF THE REVISAL OF 1905 OF NORTH CAROLINA, AND CERTAIN CHAPTERS OF THE PUBLIC LAWS OF 1907 AND 1909 OF NORTH CAROLINA, BEING PARTS OF THE PUBLIC-SCHOOL LAW.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter eighty-nine of the Revisal of one thousand nine hundred and five be and the same is hereby amended as follows:

Transportation in consolidated districts.

(a) At the end of section four thousand one hundred and twenty-nine add the following: "Upon the consolidation of two or more school districts into one by the county board of education,

- the said county board of education is authorized and empowered to make provision for the transportation of pupils in said consolidated district that reside too far from the schoolhouse to attend without transportation, and to pay for the same out of the apportionment to said consolidated district: *Provided*, that the daily cost of transportation per pupil shall not exceed the daily cost per pupil of providing a separate school in a separate district for said pupils."
- (b) At the end of section four thousand one hundred and thirty-five add the following: "The county superintendent of public instruction shall have authority to administer oaths to teachers and all subordinate school officials where an oath is required of the same."
- (c) In section four thousand one hundred and forty-one, after the word "superintendents" and before the word "and," in line seventeen, insert the words "and the annual meeting of the District Association of County Superintendents," and after the word "expenses" and before the word "and," in line eighteen, insert the words "including board."
- (d) In section four thousand one hundred and forty-eight, insert after the word "furnish," in line two, the word "biennially"; strike out the words "August in each year," in line eight, and insert in lieu thereof the words "June of the year in which the census is required"; and strike out the words "September of each year," in line ten, and insert in lieu thereof the words "July of the year in which the census is required."
- (e) In section four thousand one hundred and sixty-three, strike out the words "twenty-five," in line seven, and insert in lieu thereof the word "thirty-five."
- (f) In section four thousand one hundred and sixty-five, strike out all the words occurring between the word "filed," in line twenty-four, and the word "with," in line twenty-five.
- (g) In section four thousand one hundred and sixty-seven, strike out all between the word "education," in line fifteen, and the word "The," in line twenty-three, and insert in lieu thereof the following: "All public-school teachers of the State and all high-school and graded-school teachers are hereby required to attend biennially some county teachers' institute or accredited summer school continuously for a term of not less than two weeks, unless providentially hindered; and failure so to attend such institute or summer school shall be cause for debarring any teacher, so failing, from teaching in any of the public schools, high schools, or graded schools of the State until such teacher shall have attended, as required by law, some county institute or accredited school as herein provided for."
- (h) In section four thousand one hundred and thirty-three, strike out the following words in lines nine and ten, "July the re-
- Proviso: limit of cost.
- County superintendents may administer oaths.
- County superintendents to attend district associations.
- School census furnished biennially.
- Blanks furnished in June.
- Returns in July.
- Pay of second-grade teachers.
- Reports to be filed with county superintendents.
- Teachers to attend teachers' institute or summer school biennially.
- Failure to debar teacher.
- Publication of receipts and expenditures of school funds.

port of the treasurer of the school fund," and insert in lieu thereof the following words: "August in some newspaper published in the county, or at the courthouse door if there be no newspaper published therein, an itemized statement of all receipts and expenditures of school funds."

(i) That section four of chapter five hundred and twenty-five of the Public Laws of one thousand nine hundred and nine, amending section four thousand one hundred and fifteen of the Revisal of one thousand nine hundred and five of North Carolina, be and the same is hereby amended by striking out, in line seven, the words "one-half" and inserting in lieu thereof the words "two-thirds," and by inserting after the word "district" and before the word "and," in line nineteen, the following words: "and no petition revoking such tax shall be approved by the county board of education oftener than once in two years."

✓
Petition for revocation of school tax.

Limitation on elections.

(j) At the end of section four thousand one hundred and twenty-nine add the following: "The county board of education of any county is authorized and empowered to change the boundary lines between local-tax school districts in said county upon satisfactory evidence furnished to said board that the convenience and best interests of the residents of the districts require such change: *Provided*, that this authority to change boundaries between local-tax districts shall not have the effect of releasing any taxpayer from the obligation of paying his school taxes, but shall be exercised only for transferring said taxpayer and his property from one local-tax district to another in which the same rate of special taxation for schools is levied."

Change of lines of local-tax districts.

✓
Proviso: effect of change.

(k) In section four thousand one hundred and thirty-one, strike out the word "two," in line fourteen, and insert in lieu thereof the word "three."

School sites may include three acres.

SEC. 2. That chapter eight hundred and twenty of the Public Laws of one thousand nine hundred and seven of North Carolina be and the same is hereby amended by striking out the word "fifty," in line one of section ten thereof, and inserting in lieu thereof the words "seventy-five."

Appropriation to high schools.

SEC. 3. That chapter eight hundred and thirty-five of the Public Laws of one thousand nine hundred and seven of North Carolina be and the same is hereby amended by inserting after the word "board" and before the word "and," in line sixteen of subsection "i," in section one thereof, the following: "and the chief clerk in the office of the State Superintendent of Public Instruction shall be *ex officio* secretary of the said board, and shall be paid out of the State Treasury three hundred dollars annually as compensation for additional services as secretary"; and by striking out in line forty-four thereof the words "not to exceed fifteen (15) days annually." Insert in line twelve of subsection "f" of section one

Secretary to State board of examiners.

Compensation.

Sessions of board.

Special tax dis-
tricts.

thereof, after the word "section" and before the word "so," the following words: "or by special act or charter of the General Assembly of North Carolina."

SEC. 4. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1911.

CHAPTER 136.

AN ACT TO AMEND CHAPTER 830, LAWS OF 1907, REGARDING THE STATE AUDITOR'S DEPARTMENT.

The General Assembly of North Carolina do enact:

Salary of clerk.

SECTION 1. That section five, chapter eight hundred and thirty, Laws of one thousand nine hundred and seven, be and the same is hereby amended as follows: Strike out the word "twelve," in line four, and insert in lieu thereof the word "fifteen."

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1911.

CHAPTER 137.

AN ACT TO AMEND SECTION 4467 OF THE REVISAL OF 1905, AND TO AUTHORIZE THE BOARD OF DENTAL EXAMINERS FOR THE PRACTICE OF DENTISTRY TO REVOKE LICENSE TO PRACTICE DENTISTRY.

The General Assembly of North Carolina do enact:

Causes for refusal
of license.

SECTION 1. That section four thousand four hundred and sixty-seven of the Revisal of one thousand nine hundred and five be amended by adding at the end of said section the following: "The Board of Examiners created by section four thousand four hundred and sixty-three of the Revisal of one thousand nine hundred and five for the examination of those desiring to obtain a certificate to engage in the practice of dentistry may refuse to grant a license to any person guilty of felony or any gross immorality, or who is addicted to the use of alcoholic liquors or narcotic drugs to such an extent as to render him unfit to practice dentistry; and the

Board of Dental Examiners may, after due notice and hearing, revoke a license for like cause or any license which has been procured by fraud, or any license issued to a person who shall upon notice and hearing be proven to the satisfaction of two-thirds of the members of the board of examiners to be incompetent to practice dentistry; and any license or permits obtained through fraud or by any fraudulent or false representation shall be void and of no effect.

Causes for revocation of license.

License obtained by fraud void.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 7th day of March, A. D. 1911.

CHAPTER 138.

AN ACT TO ALLOW GILL-NET FISHING IN PERQUIMANS AND PASQUOTANK COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be lawful for fishermen fishing in the Albemarle Sound lying opposite to Perquimans and Pasquotank counties, and its tributaries lying and being in said counties, to set gill nets as near as one hundred and fifty yards of any pound or dutch nets fished in said waters: *Provided*, that any net shall not be set beyond the line now prohibited in said waters.

Use of gill nets and pound or dutch nets.

Proviso: prohibited waters.

SEC. 2. All laws and parts of laws in conflict herewith are hereby repealed.

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 7th day of March, A. D. 1911.

CHAPTER 139.

AN ACT TO REPEAL SECTION 2634 OF THE REVISAL OF 1905, RELATIVE TO LOSS OR DAMAGE TO FREIGHT IN TRANSIT, AND TO ENACT THE FOLLOWING IN LIEU THEREOF.

The General Assembly of North Carolina do enact:

SECTION 1. Every claim for loss of or damage to property while in possession of a common carrier shall be adjusted and paid within ninety days in case of shipments wholly within the State, and within four months in case of shipments from without the State, after the filing of such claim with the agent of such carrier at the point of destination of such shipment, or point of delivery

Time for adjustment and payment of claims.

to another common carrier, by the consignee, or at the point of origin by the consignor, when it shall appear that the consignor was the owner of the shipment: *Provided*, that no such claim shall be filed until after the arrival of the shipment, or some part thereof, at the point of destination, or until after the lapse of a reasonable time for the arrival thereof. In every case such common carrier shall be liable for the amount of such loss or damage, together with interest thereon from the date of the filing of the claim therefor until the payment thereof. Failure to adjust and pay such claim within the periods respectively herein prescribed shall subject each common carrier so failing to a penalty of fifty dollars for each and every such failure, to be recovered by any consignee aggrieved (or consignor, when it shall appear that the consignor was the owner of the property at the time of shipment and at the time of suit, and is, therefore, the party aggrieved), in any court of competent jurisdiction: *Provided*, that unless such consignee or consignor recover in such action the full amount claimed, no penalty shall be recovered, but only the actual amount of the loss or damage, with interest aforesaid. Causes of action for the recovery of the possession of the property shipped, for loss or damage thereto, and for the penalties herein provided for, may be united in the same complaint: *Provided further*, that no penalty shall be recoverable under the provisions of this act where claims have been filed by both the consignor and consignee, unless the time herein provided has elapsed after the withdrawal of one of the claims: *Provided, however*, that this act shall not apply to any pending actions.

Proviso: time for filing claim.

Interest to accrue from time of filing.

Penalty for failure to adjust and pay.

Proviso: penalty only on recovery of full amount of claim.

Joinder of causes of action.

Proviso: penalties when both consignor and consignee file claims.

Proviso: pending actions.

SEC. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 7th day of March, A. D. 1911.

CHAPTER 140.

AN ACT TO REGULATE SECURITIES DEPOSITED UNDER SECTION 4780 OF THE REVISAL OF 1905.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter nine hundred and twenty, Public Laws of one thousand nine hundred and nine, section one, be amended by adding at the end of said section the words: "*Provided*, that notes or bonds secured by real estate situated in another State may be deposited when approved by the Insurance Commissioner, State Treasurer, and the Attorney-General."

Proviso: approved notes or bonds secured by real estate.

SEC. 2. That section three of said chapter nine hundred and twenty, Public Laws of one thousand nine hundred and nine, be amended by adding at the end of said section the words: "*Provided*, that notes or bonds secured by real estate situated in another State may be deposited when approved by the Insurance Commissioner, State Treasurer, and the Attorney-General." Proviso: notes or bonds secured by real estate.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1911.

CHAPTER 141.

AN ACT TO GIVE LIVERY, SALE, AND FEED STABLES A LIEN FOR UNPAID BOARD BILLS.

The General Assembly of North Carolina do enact:

SECTION 1. That every keeper of livery, sale, or boarding stables shall have a lien upon and shall have the right to retain the possession of every horse, mule, or other animal belonging to the owner or person contracting for the board and keep of any horse, mule, or other animal, for any and all unpaid amounts due for board of any horse, mule, or other animal: *Provided*, that this lien shall not attach for amounts accruing for a longer period than ninety days from the reception of such property or from the last full settlement: *Provided further*, that this lien shall not apply if the property is removed from the possession of said keeper of said livery, sale, or boarding stable. Lien for board and keep.
Proviso: limit.
Proviso: property removed.

SEC. 2. If such charges are not paid within fifteen days after they become due and demand is made for the same, then the keeper of such livery, sale, or boarding stable is authorized to sell the property at the county courthouse door, after first advertising said sale for ten days at the county courthouse door and three other public places in said county, and out of the proceeds of such sale to pay the costs and charges due for the board and keep of said horse, mule, or other animal, including the charges for keeping said animal until said sale, and the surplus, if any, pay to the owner of said animal. Power of sale.
Advertisement of sale.
Surplus to owner.

SEC. 3. Written notice of such sale shall be served on the owner of such horse, mule, or other animal ten days before such sale, if he be a resident of the State; but if he be a nonresident of the State, or if his residence be unknown, the publication of such notice for ten days at the county courthouse door and three other public places in the county shall be sufficient service of the same. Notice to owner.
Notice by publication.

SEC. 4. This act shall be in force and effect from and after its ratification.

Ratified this the 7th day of March, A. D. 1911.

CHAPTER 142.

AN ACT TO ENABLE MARRIED WOMEN WHOSE HUSBANDS ARE LUNATICS, TO SELL PROPERTY FOR THEIR SUPPORT.

The General Assembly of North Carolina do enact:

Wives entitled to bring special proceedings.

SECTION 1. Every woman whose husband is a lunatic or insane person and is confined in an asylum in this State, and who was living with her husband at the time he was committed to such asylum, if she be in needy circumstances, shall have the right to bring a special proceeding before the clerk of the Superior Court to sell the property of her insane husband, or so much thereof as is deemed expedient, and have the proceeds applied to her support: *Provided*, that said proceeding shall be approved by the judge of the Superior Court holding the courts of the judicial district where the said property is situated.

Proviso: judge to approve proceedings.

Deed to convey title.

SEC. 2. When the deed of the commissioner appointed by the court, conveying the lands belonging to the insane husband of a woman, shall be executed, probated, and registered, it shall convey a good and indefeasible title to the purchaser.

SEC. 3. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1911.

CHAPTER 143.

AN ACT TO REDUCE THE NUMBER OF OIL INSPECTORS.

The General Assembly of North Carolina do enact:

Number.

SECTION 1. That section two of chapter five hundred and fifty-four of the Public Laws of one thousand nine hundred and nine be amended by striking out the words "one from each Congressional district," in lines two and three of said section, and insert in lieu thereof the word "five." That section two of chapter five hundred and fifty-four, Public Laws of one thousand nine hundred and nine, be further amended by striking out all after the word "be," in line three, down to and including the word "annum," in line five, and insert in lieu thereof the following: "four dollars per day and expenses while on duty."

Pay.

SEC. 2. That this law shall be in force from and after June first, one thousand nine hundred and eleven.

Ratified this the 7th day of March, A. D. 1911.

CHAPTER 144.

AN ACT TO ERECT AN ADDITIONAL BUILDING AT THE
SOLDIERS' HOME.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of constructing an additional Appropriation. building at the Soldiers' Home, the sum of forty-five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the erection and completion of said building.

SEC. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1911.

CHAPTER 145.

AN ACT TO AMEND CHAPTER 555, PUBLIC LAWS OF 1909,
RELATING TO THE SALE OF PACKAGES OF MEAL AND
FLOUR, ETC.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter five hundred and fifty-five of the Public Laws of one thousand nine hundred and nine be amended so as to make the proviso in section three thereof read as follows: "*Pro-* Proviso: retailing meal or flour. *vided*, that sections two and three of this act shall not apply to the retailing of meal or flour direct to customers."

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after ratification.

Ratified this the 7th day of March, A. D. 1911.

CHAPTER 146.

AN ACT TO VALIDATE PROCEEDINGS FOR THE SALE OF
REAL PROPERTY OR OTHER PROPERTY, AND DEEDS
MADE THEREUNDER.

The General Assembly of North Carolina do enact:

SECTION 1. All deeds made by any clerk of the Superior Court Deeds by clerk or deputy. of any county or his deputy, prior to the first day of January, one thousand nine hundred and five, in any proceeding before him in which he has appointed himself or his deputy to make sale of real

property or other property are hereby validated, and such deed and appointment shall be as valid and binding as if such clerk had appointed any other person to make such sale.

SEC. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. This act shall not apply to or affect pending litigation.

SEC. 4. This act shall be in force from and after its ratification. Ratified this the 7th day of March, A. D. 1911.

CHAPTER 147.

AN ACT TO AMEND SECTION 8, CHAPTER 830, LAWS 1907, IN REFERENCE TO DEPARTMENT OF CORPORATION COMMISSION.

The General Assembly of North Carolina do enact:

SECTION 1. That section eight of chapter eight hundred and thirty of the Public Laws of one thousand nine hundred and seven be and is hereby amended by striking out the word "chief," in the second line thereof, and by adding in fourth line thereof, between the words "first" and "clerk," the word "assistant," and in same line thereof strike out the word "tax" and insert the word "corporation," and in the fifth line, between the words "second" and "clerk," add the word "assistant."

Titles of clerks.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 7th day of March, A. D. 1911.

CHAPTER 148.

AN ACT TO AMEND SECTION 1105 OF THE REVISAL OF 1905 OF NORTH CAROLINA, SO AS TO EXTEND THE PRIVILEGE OF EXCHANGING FREE TRANSPORTATION THEREIN CONFERRED UPON RAILROAD COMPANIES IN THIS STATE TO OTHER COMMON CARRIERS SUBJECT TO THE LAWS OF THIS STATE.

The General Assembly of North Carolina do enact:

Common carriers.

SECTION 1. That section one thousand one hundred and five of the Revisal of one thousand nine hundred and five of North Carolina be and the same is hereby amended by striking out the word "railroads," in line twenty-three, and substituting therefor the words "common carriers"; by striking out the words "railroad

Common carriers.

company," in line twenty-five, and substituting therefor the words "common carrier"; and by striking out the words "railroad com-
panies," in line twenty-six, and substituting therefor the words "common carriers"; by adding the word "franks" after the word "passes" and before the word "or," in line twenty-five of said section, and by adding the words "and members of their families" after the word "employees," in line twenty-six thereof.

Common carriers.

Franks.

Families of employees.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1911.

CHAPTER 149.

AN ACT TO PROVIDE FOR THE PROPER CARE OF CAPITOL AND MANSION SQUARES.

The General Assembly of North Carolina do enact:

SECTION 1. That the superintendent and board of directors of the State's Prison be and they are hereby authorized, upon application by the Board of Public Buildings and Grounds, to furnish not more than four trusties from the State's Prison, to be worked, under the supervision of said Board of Public Buildings and Grounds, on the grounds of the Capitol and Mansion squares. The State's Prison shall be given credit by the State for the time made by such convicts.

Trusties to be furnished.

Credit to State's prison.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1911.

CHAPTER 150.

AN ACT TO MAKE THE APPORTIONMENT OF THE MEMBERS OF THE SENATE.

The General Assembly of North Carolina do enact:

SECTION 1. Until another apportionment of the State shall be had in accordance with the terms of the Constitution and laws of North Carolina, the Senate shall be composed of fifty (50) members elected from districts constituted as follows:

First District—Camden, Chowan, Currituck, Gates, Hertford, First district, Pasquotank, and Perquimans shall elect two Senators.

Second District—Beaufort, Dare, Hyde, Martin, Pamlico, Tyrrell, Second district, and Washington shall elect two Senators.

- Third district. *Third District*—Bertie and Northampton shall elect one Senator.
- Fourth district. *Fourth District*—Halifax and Edgecombe shall elect two Senators.
- Fifth district. *Fifth District*—Pitt shall elect one Senator.
- Sixth district. *Sixth District*—Franklin, Nash, and Wilson shall elect two Senators.
- Seventh district. *Seventh District*—Carteret, Craven, Greene, Jones, Lenoir, and Onslow shall elect two Senators.
- Eighth district. *Eighth District*—Wayne shall elect one Senator.
- Ninth district. *Ninth District*—Duplin and Pender shall elect one Senator.
- Tenth district. *Tenth District*—Brunswick and New Hanover shall elect one Senator.
- Eleventh district. *Eleventh District*—Bladen and Columbus counties shall elect one Senator.
- Twelfth district. *Twelfth District*—Robeson shall elect one Senator.
- Thirteenth district. *Thirteenth District*—Cumberland and Hoke shall elect one Senator.
- Fourteenth district. *Fourteenth District*—Harnett, Johnston, Lee, and Sampson shall elect two Senators.
- Fifteenth district. *Fifteenth District*—Wake shall elect one Senator.
- Sixteenth district. *Sixteenth District*—Vance and Warren shall elect one Senator.
- Seventeenth district. *Seventeenth District*—Granville and Person shall elect one Senator.
- Eighteenth district. *Eighteenth District*—Alamance, Caswell, Durham, and Orange shall elect two Senators.
- Nineteenth district. *Nineteenth District*—Rockingham County shall elect one Senator.
- Twentieth district. *Twentieth District*—Guilford shall elect one Senator.
- Twenty-first district. *Twenty-first District*—Chatham, Moore, Richmond, and Scotland shall elect two Senators.
- Twenty-second district. *Twenty-second District*—Montgomery and Randolph shall elect one Senator.
- Twenty-third district. *Twenty-third District*—Anson, Davidson, Stanly, and Union shall elect two Senators.
- Twenty-fourth district. *Twenty-fourth District*—Cabarrus and Mecklenburg shall elect two Senators.
- Twenty-fifth district. *Twenty-fifth District*—Rowan shall elect one Senator.
- Twenty-sixth district. *Twenty-sixth District*—Forsyth shall elect one Senator.
- Twenty-seventh district. *Twenty-seventh District*—Stokes and Surry shall elect one Senator.
- Twenty-eighth district. *Twenty-eighth District*—Davie, Wilkes, and Yadkin shall elect one Senator.
- Twenty-ninth district. *Twenty-ninth District*—Iredell shall elect one Senator.
- Thirtieth district. *Thirtieth District*—Catawba and Lincoln shall elect one Senator.
- Thirty-first district. *Thirty-first District*—Gaston shall elect one Senator.
- Thirty-second district. *Thirty-second District*—Cleveland, Henderson, Polk, and Rutherford shall elect two Senators.
- Thirty-third district. *Thirty-third District*—Alexander, Burke, Caldwell, and McDowell shall elect two Senators.

Thirty-fourth District—Alleghany, Ashe, and Watauga shall elect one Senator. Thirty-fourth district.

Thirty-fifth District—Avery, Madison, Mitchell, and Yancey shall elect one Senator. Thirty-fifth district.

Thirty-sixth District—Buncombe shall elect one Senator. Thirty-sixth district.

Thirty-seventh District—Haywood, Jackson, Transylvania, and Swain shall elect one Senator. Thirty-seventh district.

Thirty-eighth District—Cherokee, Clay, Graham, and Macon shall elect one Senator. Thirty-eighth district.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1911.

CHAPTER 151.

AN ACT TO APPORTION THE MEMBERS OF THE HOUSE OF REPRESENTATIVES AMONG THE SEVERAL COUNTIES OF THE STATE.

The General Assembly of North Carolina do enact:

SECTION 1. That until the General Assembly of North Carolina shall make another apportionment as provided by the Constitution and laws of North Carolina, the House of Representatives shall be composed of members elected from the counties of the State in the following manner, to wit: The counties of Guilford, Mecklenburg, and Wake shall elect three members each; the counties of Buncombe, Durham, Forsyth, Gaston, Halifax, Iredell, Johnston, Nash, Pitt, Robeson, Rockingham, Rowan, Union, and Wayne shall elect two members each; and the counties of Alamance, Alexander, Alleghany, Anson, Ashe, Avery, Beaufort, Bladen, Brunswick, Burke, Cabarrus, Caldwell, Camden, Carteret, Caswell, Catawba, Chatham, Cherokee, Chowan, Cleveland, Clay, Columbus, Craven, Cumberland, Currituck, Dare, Davidson, Davie, Duplin, Edgecombe, Franklin, Gates, Graham, Granville, Greene, Harnett, Haywood, Henderson, Hertford, Hoke, Hyde, Jackson, Jones, Lee, Lenoir, Lincoln, Macon, Madison, Martin, McDowell, Mitchell, Montgomery, Moore, New Hanover, Northampton, Onslow, Orange, Pamlico, Pasquotank, Pender, Perquimans, Person, Polk, Randolph, Richmond, Rutherford, Sampson, Scotland, Stanly, Stokes, Surry, Swain, Transylvania, Tyrrell, Vance, Warren, Washington, Watauga, Wilkes, Wilson, Yadkin, and Yancey shall elect one member each.

Counties electing three members.
Counties electing two members.

Counties electing one member.

SEC. 2. That all laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1911.

CHAPTER 152.

AN ACT TO REGULATE THE SHIPMENT OF LIVE STOCK
INTO NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Partial repeal of
regulation.

SECTION 1. That section ten of the regulations of the Board of Agriculture, adopted December the seventh, one thousand eight hundred and ninety-nine, be and the same are hereby repealed so far as it refers to horses, mules, jacks, swine, and steers for beef and feeding purposes.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 7th day of March, A. D. 1911.

CHAPTER 153.

AN ACT FOR THE RELIEF OF STATE PRISONERS.

The General Assembly of North Carolina do enact:

Reduction of sen-
tence for good
behavior.

SECTION 1. That section five thousand four hundred and two, Revisal of one thousand nine hundred and five, be and the same is hereby amended by striking out in line eight the word "five" and insert in lieu thereof the word "seven," and in line nine strike out the word "ten" and insert the word "fourteen."

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 7th day of March, A. D. 1911.

CHAPTER 154.

AN ACT TO AMEND CHAPTER 964 OF THE PUBLIC LAWS
OF 1907, RELATIVE TO THE ELECTION OF DIRECTORS
OF THE STATE SANATORIUM FOR THE TREATMENT OF
TUBERCULOSIS.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter nine hundred and sixty-four of the Public Laws of one thousand nine hundred and seven be and the same is hereby amended by striking from said chapter sections two, three, and four, and inserting in lieu thereof the following:

SEC. 2. That the control of the said sanatorium shall be vested in a board of directors, composed of twelve members, to be appointed by the Governor, except as hereinafter provided. Number and appointment of directors.

SEC. 3. That the said board of directors shall be divided into four classes of three directors each. The first class to serve for a term of two years; the second class for a period of four years; the third class for a period of six years, and the fourth class for a period of eight years, and until their successors are appointed and qualified. The following persons shall be members of the board of directors of the class hereinafter designated, their term of office to begin on April first, one thousand nine hundred and eleven: The first class: R. H. Lewis, J. Reece Blair. Second class: Walter Murphy and M. L. Stevens. Third class: Y. T. Ormond, L. S. Blades. Fourth class: M. Eugene Street, J. R. Gordon. The Secretary of the North Carolina State Board of Health shall be *ex officio* a member of the board of directors. Classes. Terms of office. Directors named.

SEC. 4. That, except as above provided, the board of directors shall be appointed by the Governor. If any vacancy shall occur in any of said classes by death, removal, expiration, or other cause, the same shall be filled by appointment of the Governor. Said directors shall hold their offices until their successors shall be appointed and qualified, but no more than one director shall be from the same town or city. Governor to make appointments and fill vacancies. Term of office.

SEC. 5. This act shall be in force from and after April first, one thousand nine hundred and eleven. When act effective.

Ratified this the 7th day of March, A. D. 1911.

CHAPTER 155.

AN ACT TO PROMOTE THE MAINTENANCE OF PUBLIC PARKS AND DRIVES.

The General Assembly of North Carolina do enact:

SECTION 1. Any number of persons, not less than three, may be incorporated under the provisions of chapter twenty-one of the Revisal of one thousand nine hundred and five of North Carolina and amendments thereto, for the purpose of creating and maintaining public parks and drives as in this act provided: *Provided*, that it shall not be necessary to set forth in the certificate of incorporation of any corporation created for such purpose the amount of authorized capital stock, or number of shares into which the same is divided, or the par value of such stock, or the amount of capital stock with which it will commence business. Incorporation under general law. Proviso: statements as to capital stock.

SEC. 2. Any corporation created and organized under the provisions of this act shall have full power and authority to lay out, Powers of corporation.

manage and control parks and drives within the State, under such rules and regulations as such corporation may prescribe, and shall have power to purchase and hold property and take gifts or donations for said purpose; and may hold property and exercise such powers in trust for any town, city, township, or county, in connection with which said parks or drives shall be maintained; and any city, town, township, or county, holding such property may vest and transfer the same to any such corporation for the purpose of controlling and maintaining the same as public parks and drives under such regulations and subject to such conditions as may be determined upon by such city, town, township, or county.

Lands held in trust.

SEC. 3. All such lands as such corporation may acquire shall be held in trust as public parks and drives, and shall be held open to the public under such rules, laws, and regulations as such corporation may adopt through its board of directors; and such corporation shall have full power and authority to make and adopt all such laws and regulations as it may determine upon for the reasonable management of such parks and drives.

Rules and regulations for parks and drives.

Exemption from taxation.

SEC. 4. That all property owned by any such corporation and appropriated exclusively for public parks and drives shall not be subject to taxation, and no such corporation shall be liable in damages on account of the construction or maintenance of any such drives or parks.

Corporation not liable in damages.

Exemption from tax and fee on organization.

SEC. 5. That any corporation created and organized for the purposes mentioned in this act shall not be subject to the taxes and fees prescribed in section one thousand two hundred and thirty-three (1233) of the Revisal of one thousand nine hundred and five of North Carolina.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1911.

CHAPTER 156.

AN ACT IN REGARD TO THE FIREMAN OF THE SUPREME COURT BUILDING.

The General Assembly of North Carolina do enact:

Appointment.

SECTION 1. That the fireman of the Supreme Court building shall be appointed by the Chief Justice and Associate Justices of the Supreme Court, and when not engaged in his duties as fireman shall act as assistant janitor of the Supreme Court, and shall assist in the cleaning and care of the Supreme Court and perform such other duties as may be designated by the said Justices of the Supreme Court.

Assistant janitor.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 7th day of March, A. D. 1911.

CHAPTER 157.

AN ACT TO AMEND CHAPTER 42, PUBLIC LAWS OF NORTH CAROLINA, SESSION OF 1909, RELATIVE TO THE SALARY OF THE COMMISSIONER OF LABOR AND PRINTING.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter forty-two of Public Laws Salary. of one thousand nine hundred and nine be and the same is hereby amended by adding in line four of said section, after the word "twenty," the word "four."

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1911.

CHAPTER 158.

AN ACT TO AUTHORIZE NOTARIES PUBLIC TO TAKE DEPOSITIONS.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand six hundred and fifty-two of the Revisal of one thousand nine hundred and five be amended by striking out the period at the end of line twenty-eight of said section and inserting a comma in lieu thereof, and by adding the words "or by a notary public of this or any other State or foreign country without a commission issuing from the court," and by adding at the end of line twenty-nine of said section one thousand six hundred and fifty-two the words "or notary public." Authorization.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1911.

CHAPTER 159.

AN ACT TO CHARTER THE EAST CAROLINA TEACHERS' TRAINING SCHOOL.

The General Assembly of North Carolina do enact:

SECTION 1. That the trustees of the East Carolina Teachers' Training School, established by an act of the General Assembly of North Carolina of one thousand nine hundred and seven, and located at Greenville, North Carolina, shall be and are hereby constituted a body corporate by and under the name and style of "The Board of Trustees of the East Carolina Teachers' Train- Trustees incorporated. Corporate name.

Corporate powers. ing School," and by that name may sue and be sued, make contracts, acquire real and personal property by gift, purchase, or devise, and exercise such other rights and privileges as are incident to corporations of like character as are necessary for the proper administration of said school.

Trustees. Sec. 2. That said board of trustees shall be composed of nine
Chairman persons, together with the State Superintendent of Public Instruc-
ex officio. tion as chairman *ex officio*, said trustees to be appointed by the
Appointment of State Board of Education: *Provided*, that two members of said
trustees. board shall be from the First Congressional District, two from
Proviso: residence from the Second, two from the Third, two from the Fourth, and one
of trustees. from the Sixth, whose term of office shall be six years. That the
Terms of office. State Board of Education, upon the expiration of the term of office
Election of suc- of any member of the board of trustees, shall appoint his successor
cessors. for the full term of six years. Vacancies occurring by death or
Vacancies. resignation of any member of this board shall be filled by ap-
Trustees to be pointment of the State Board of Education for the unexpired term.
sworn. All trustees shall take oath to perform faithfully their duties, and
shall hold office until their successors have been duly appointed
and qualified.

Maintenance and Sec. 3. That the said school shall be maintained by the State
purpose of school. for the purpose of giving to young white men and women such
education and training as shall fit and qualify them to teach in
the public schools of North Carolina.

Courses of study. Sec. 4. That the board of trustees shall have power to prescribe
the course of study, and shall lay special emphasis on those sub-
jects taught in the public schools of the State and on the art and
science of teaching.

Free tuition. Sec. 5. That tuition in said school shall be free to those who
signify their intention to teach, for such time and upon such con-
ditions as may be prescribed by the board of trustees; and the
board of trustees, upon the recommendation of the faculty, shall
give those students in said school who have completed the pre-
scribed course of study a diploma of graduation; and they may
upon the recommendation of the faculty grant certificates of pro-
ficiency for the completion of special courses.

Power of exclu- Sec. 6. That when, in the judgment of the board of trustees,
sion. the best interest of the school will be promoted thereby, the board
may decline to admit young men into the rooms of the dormitories.

Rights and titles Sec. 7. That all rights and titles heretofore acquired in any way
vested. for the use and benefit of said training school shall vest and re-
main in the said board of trustees as herein incorporated.

Biennial reports. Sec. 8. That the trustees shall report biennially to the Gov-
ernor, before the meeting of each General Assembly, the operation
and condition of said school.

Sec. 9. That this act shall be in force from and after its ratifi-
cation.

Ratified this the 8th day of March, A. D. 1911.

CHAPTER 160.

AN ACT TO AMEND SECTION 2598 OF THE REVISAL OF 1905.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand five hundred and ninety-eight of the Revisal of one thousand nine hundred and five be and the same is hereby amended by adding to the end thereof the following:

“*Provided*, that the Corporation Commission shall have power to authorize lumber companies, having logging roads, to transport all kinds of commodities other than their own, and to charge therefor reasonable rates to be approved by said Commission.”

Proviso: corporation commission may authorize business.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the Sth day of March, A. D. 1911.

CHAPTER 161.

AN ACT TO ALLOW AND PRESCRIBE THE PROCEDURE FOR REMOVING TRUST FUNDS FROM THE STATE.

The General Assembly of North Carolina do enact:

SECTION 1. When any personal estate in this State is vested in a trustee resident therein, and those having the beneficial interest in the said estate are nonresidents of this State, the clerk of the Superior Court of the county in which the said trustee resides may, on a petition filed for that purpose, order him or his personal representative to pay, transfer, and deliver the said estate, or any part of it, to a nonresident trustee appointed by some court of record in the State in which the said beneficiary or beneficiaries reside. No such order of any clerk shall be valid and in force until approved by the resident judge of said judicial district, or the judge holding court in such district.

Petition for removal of trust funds.

Order for removal.

Order to be approved by judge.

SEC. 2. That no such order shall be made, in the case of a petition, until notice of the application shall have been given to all persons interested in such trust estate, as now required by law in other special proceedings, nor until the court shall be satisfied by authentic documentary evidence that the nonresident trustee, appointed as aforesaid, has given bond, with sufficient surety, for the faithful execution of the trust, nor until it is satisfied that the payment and removal of such estate out of the State will not prejudice the right of any person interested or to become interested therein.

Notice of application.

Bond of nonresident trustee.

Prejudice of rights.

SEC. 3. When any guardian or committee, trustee or other person in this State, shall pay over, transfer, or deliver any estate in

Trustee discharged from responsibility.

his hands or vested in him, under any order or decree made in pursuance of this act, he shall be discharged from all responsibility therefor.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1911.

CHAPTER 162.

AN ACT TO AMEND CHAPTER 745, PUBLIC LAWS 1909,
RELATING TO THE MILITIA.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter seven hundred and forty-five, section four thousand eight hundred and ninety-nine, Public Laws one thousand nine hundred and nine, be and the same is hereby amended by inserting between the word "dollars" and the word "with," in line five, the following: "and to the commanding officer of each company of infantry and artillery corps and his quartermaster sergeant, the sum of fifty dollars each."

Allowance to commanders and quartermaster sergeants.

Appropriation.

SEC. 2. That for the purpose of carrying the above amendment into effect, the sum of three thousand four hundred dollars is hereby appropriated.

Ratified this the 8th day of March, A. D. 1911.

CHAPTER 163.

AN ACT TO REGULATE FISHING IN ALBEMARLE SOUND
AND ROANOKE RIVER.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful to set any pound or dutch nets in Albemarle Sound nearer to either side of the Norfolk Southern Railroad bridge across said sound than three hundred yards, or to set any stake, drift, or anchor gill nets nearer to either side of said bridge than one-half mile.

Nets in vicinity of railroad bridge.

Nets in front of wharves.

SEC. 2. That it shall be unlawful to set any net of any description in front of a wharf, that is, between the pier of any wharf now used as a landing for any steamboat and the middle of the stream on which the wharf is built.

SEC. 3. That it shall be unlawful to fish any drift nets in the Drift nets, Roanoke River over twenty yards in length and no net shall drift within three hundred yards of another net and no two nets shall drift abreast of each other.

SEC. 4. Any person violating the provisions of this act shall be Misdemeanor. guilty of a misdemeanor and fined not less than one hundred Punishment. dollars or imprisoned in the discretion of the court.

SEC. 5. All laws in conflict with this act are hereby repealed.

SEC. 6. This act shall be in force from and after its ratification. Ratified this the 8th day of March, A. D. 1911.

CHAPTER 164.

AN ACT TO AMEND CHAPTER 923, PUBLIC LAWS OF 1909, IN REGARD TO DEPOSITS BY FIRE INSURANCE COMPANIES.

The General Assembly of North Carolina do enact:

SECTION 1. Amend chapter nine hundred and twenty-three (923), Public Laws nineteen hundred and nine (1909), section one (1), by striking out in said section, in lines six, seven, eight, and nine, after the words "of the State," the words, "or a bond approved by the Insurance Commissioner in some fidelity or surety company licensed to do business in the State of North Carolina," and insert in the last line of said section, after the words "real estate" and before the words "to be approved," the words "situate in North Carolina": *Provided further*, that whenever a fire insurance company shall elect to give a bond in some fidelity or surety company licensed to do business in North Carolina, that the Insurance Commissioner shall in passing upon such bond consider the solvency of such fidelity or surety company as well as the number of said bonds given by said company, and may whenever in his discretion it is found advisable require such fidelity or surety company to deposit with the Insurance Commissioner bonds of the character hereinbefore named, to an amount to be determined by said commissioner, sufficient to guarantee a faithful performance of the bonded obligations of said company.

Proviso: examination of fidelity and surety companies.

Deposits by surety companies.

SEC. 2. Amend said chapter nine hundred and twenty-three (923), Public Laws one thousand nine hundred and nine (1909), by striking out all of section eight and numbering section nine as section eight. Section stricken out.

SEC. 3. Nothing in this act shall in any way vacate or invalidate Effect of act. surety bonds heretofore given under this act, but they shall be held to be in full force and effect.

SEC. 4. This act shall be in force from and after the first day When act effective. of July, one thousand nine hundred and eleven.

Ratified this the 8th day of March, A. D. 1911.

CHAPTER 165.

AN ACT TO REGULATE THE SALE OF LANDS UNDER MORTGAGES AND DEEDS IN TRUST.

The General Assembly of North Carolina do enact:

Sale of parcel, if in two or more counties, at courthouse of either county.

SECTION 1. That whenever any mortgage or deed in trust conveying lands lying partly in two or more counties shall confer upon the mortgagee or mortgagees, trustee or trustees, therein named, any power for the sale of such lands, without naming the place of sale, or conferring upon such mortgagee or mortgagees, trustee or trustees, the right to select the same, in the exercise of such power, any sale thereunder may be made at the courthouse door of any one of the counties in which such lands are situate, and at no other place except as hereinafter provided; but that whenever such lands shall consist of two or more detached parcels, lying wholly within the limits of different counties, the sale of each and every one of such parcels shall be made at the courthouse door of the county in which the same is situate.

Sale of each parcel at courthouse of county where situate.

Application of act.

SEC. 2. That this act shall apply to existing mortgages and deeds in trust, as well as to such as shall be hereafter made.

Ratified this the 8th day of March, A. D. 1911.

CHAPTER 166.

AN ACT TO VALIDATE THE REGISTRATION OF CERTAIN DEEDS AND OTHER INSTRUMENTS.

The General Assembly of North Carolina do enact:

Registrations on probates without order for registration validated.

SECTION 1. That in all cases prior to January first, one thousand eight hundred and eighty-five, where any probate judge or any judge or clerk of the Superior Courts of this State has taken proof or acknowledgment of any deed, deed in trust, mortgage, or other instrument required to be registered, and has omitted from his certificate of probate or acknowledgment the order for the registration of such instrument, and such instrument has nevertheless been admitted to registration, such registration shall be as good and valid as if the order of registration had actually been added to or included in such certificate of proof or acknowledgment.

Pending suits not affected.

SEC. 2. That this act shall not affect any suit, action, or proceeding now pending in any of the courts of this State.

SEC. 3. This act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1911.

CHAPTER 167.

AN ACT PROHIBITING CONDUCT WITHIN THE STATE OF NORTH CAROLINA WHICH INTERFERES WITH TRADE AND COMMERCE.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm, or corporation to directly or indirectly be guilty of any of the acts and things specified in any of the subsections of this act.

Acts declared unlawful.

(a) For any person, firm, corporation, or association to make a sale or sales of any goods, wares, merchandise, articles, or things of value whatsoever in North Carolina, whether directly or indirectly, or through any agent or employee, upon the condition that the purchaser thereof shall not deal in the goods, wares, merchandise, articles, or things of value of a competitor or rival in the business of the person, firm, corporation, or association making said sales.

Sales on condition that purchaser shall not deal with competitors.

(b) For any person, firm, corporation, or association to directly or indirectly willfully destroy or injure, or undertake to destroy or injure, the business of any opponent or business rival in the State of North Carolina, by circulating false reports tending to damage the credit or character of said opponent or rival, or tending to interfere with the trade of said opponent or rival, with the purpose or intention of attempting to fix the price of anything of value when the competition is removed.

Destruction or injury or attempted destruction or injury of competitor by false reports.

(c) For any person, firm, corporation, or association to willfully injure or destroy or undertake to injure or destroy the business of any rival or opponent, by lowering the price of any article or thing of value sold so low, or by raising the price of any article or thing of value bought so high, as to leave an unreasonable or inadequate profit.

Destruction or injury by raising or lowering price.

(d) For any person, firm, corporation, or association to injure or destroy or undertake to injure or destroy the business of any rival or opponent by lowering the price of any article or thing of value bought so low, or by raising the price of any article or thing of value bought so high, as to leave an unreasonable or inadequate profit, and with the purpose of increasing the profit on the business when such rival or opponent is driven out of business or its business is injured.

Lowering or raising price with purpose of increasing profit when rival is destroyed.

(e) For any person, firm, corporation, or association dealing in any thing of value within the State of North Carolina to give away, or sell, at a place where there is competition, such thing of value at a price lower than is charged by such person, firm, corporation, or association for the same thing at another place, where there is not sufficient reason for charging less at the one place than at the other, with the view of injuring the business of another.

Differentiating prices with intent to injure business of another.

Agreements not to buy or sell in certain territory with intention of preventing competition.

(f) For any person, firm, corporation, or association engaged in buying or selling any thing of value in North Carolina to make or have any agreement or understanding, express or implied, with any other person, firm, corporation, or association not to buy or sell things of value within certain territorial limits within the State, with intention of preventing competition in selling or to fix the price or prevent competition in buying of said things of value within these limits: *Provided*, nothing herein shall be construed to prevent an agent from representing more than one principal. But nothing in this proviso shall be construed to authorize two or more principals to employ a common agent for the purpose of suppressing competition or lowering prices.

Proviso: agent representing more than one principal.
Employment of common agent for purpose of suppressing competition.
Conspiracies to keep down or put up prices.

(g) For any person, firm, corporation, or association, with intent to injure another, to conspire or agree with any other person, firm, corporation, or association to put down or keep down the price of any article produced in this State by the labor of others, which said article the said person, firm, corporation, or association intends to buy or is engaged in buying.

Solicitation of trade, patronage or good-will by means of false statements.

(h) For any person, firm, corporation, or association to solicit the trade, patronage, or good-will of any person, firm, corporation, or association within the State of North Carolina, by the means of false statements as to his, their or its connection, alliance, or relationship to other persons, firms, corporations, or associations, or as to the ownership of his, their, or its business.

Affidavit to attorney-general and solicitor.
Affidavit upon information and belief.

SEC. 2. If it shall be made to appear to the Attorney-General or to any solicitor by satisfactory affidavit (which affidavit may be made upon information and belief, and when so made shall state the ground thereof) that any corporation is violating any of the provisions of this act within the State, it shall be the duty of the Attorney-General or solicitor to apply to a judge of the Superior Court for an order to cause such corporation, its officers and agents, or any of them, to appear before such judge at a time and place to be named by him, which time shall not be less than five days from the service of such order, to show cause why such corporation, its officers or agents, or any of them, should not produce before such judge, at a time and place to be named, all the papers, books, and records of such corporation; and if the judge shall be satisfied that such books, papers, and records should be so produced, he shall make an order requiring such corporation, its officers and agents, or any of them, to produce all or any of its papers, books, and records, to be examined by the Attorney-General or solicitor in the presence of such judge. Upon application by the Attorney-General or any solicitor to a judge of the Superior Court, the judge may order any person or persons to appear before him to be examined in regard to any violations of this act, and persons so summoned shall be paid the usual fees and expenses allowed to witnesses. If any corporation, its officers or agents, or other person, shall fail to appear, or shall fail to produce such

Application for order to show cause.

Order for production of books, papers and records.

Order for persons to appear for examination.
Fees and expenses as witnesses.
Failure to appear or to produce books, papers and records a misdemeanor.

papers, books, or records as may be required, it or he shall be guilty of a misdemeanor, and it shall be the duty of the Attorney-General or solicitor to cause such corporation or person to be prosecuted therefor. When it shall be made to appear that the papers, books, or records of any such corporation, or any of them, are without the limits of the State, or that they cannot conveniently be produced before the judge for examination, as hereinbefore provided, such judge may issue a commission for the examination of such papers, books, and records before a commissioner to be named by him. All examinations under this section shall be under oath, and false swearing shall constitute perjury, punishable as in other cases of perjury. Refusal to answer any question or questions asked on such examination, and required by the judge to be answered, shall constitute and be punishable as contempt.

Prosecution.

Commission for examination.

Examinations under oath.
False swearing, perjury.
Refusal to answer contempt.

SEC. 3. No person who is subpoenaed and required by the State to testify under the provisions of this act shall be prosecuted or convicted on account of matters disclosed by the testimony of such witnesses, nor shall the testimony of such witnesses be received from any court in any prosecution against such person.

Persons subpoenaed and required to testify freed from prosecution.

Testimony not received in prosecution.

SEC. 4. The solicitor or other prosecuting officer shall be paid such sum as the presiding judge shall adjudge to be reasonable and shall order paid, to be taxed as costs as in other cases, to be paid by the State.

Fee of prosecuting officer to be taxed as costs.

SEC. 5. There shall be placed at the disposal of the Governor a contingent fund of five thousand dollars, to be used by him in his discretion, in making any investigation or prosecutions he may deem necessary in regard to any alleged violations of this act. The Governor is also authorized to employ special counsel to assist the Attorney-General or solicitors in prosecutions for violations of this act.

Fund for investigation and prosecution.

Special counsel.

SEC. 6. That any corporation, either as agent or principal, violating any of the provisions of this act shall be guilty of a misdemeanor, and such corporation shall, upon conviction, be fined not less than one thousand dollars for each and every offense, and any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five hundred dollars or imprisoned, within the discretion of the court.

Violation of act by corporation a misdemeanor.
Punishment.

Persons violating act guilty of misdemeanor.
Punishment.

SEC. 7. That any person, being either within or without the State, who encourages or willfully allows or permits any agents or associates in business in this State to violate any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be punished as provided in section six hereof.

Persons encouraging, allowing or permitting violations of act by agent or associate guilty of misdemeanor.
Punishment.

SEC. 7½. Violation of any of the provisions of this act shall subject the offender to a penalty of one hundred dollars per day, which may be recovered for his own benefit by any citizen of the State.

Penalties to be recovered by any citizen.

- Separate offenses. SEC. 8. That where the things prohibited in section one of this act are continuous, then in such event, after the first violation of any of the provisions hereof, the violations of the provisions of this act for each week during which such violations shall continue shall constitute a separate offense.
- Common law not repealed or restricted. SEC. 9. That the provisions of this act shall not be construed so as to repeal or restrict the common-law doctrine preventing unlawful combination in trade or commerce, which are hereby reënacted and declared to be in full force in this State, except as may be inconsistent with the other provisions of this act.
- Counts in bills of indictment. SEC. 10. That it shall be competent to charge any or all of the offenses mentioned in section one of this act in a single bill of indictment in separate counts. Exclusive original jurisdiction of all violations of this act shall be in the Superior Courts of this State, anything in this act establishing a recorder's court to the contrary notwithstanding.
- Jurisdiction. SEC. 11. Chapters two hundred and eighteen and two hundred and nineteen of the Public Laws of one thousand nine hundred and seven, and chapter four hundred and forty-eight of the Public Laws of one thousand nine hundred and nine, are hereby repealed.
- Laws specifically repealed. SEC. 12. That this act shall be in force from and after July the first, one thousand nine hundred and eleven.
- When act effective. Ratified this the Sth day of March, A. D. 1911.

CHAPTER 168.

AN ACT TO EMPOWER THE TRUSTEES OF THE INDIAN NORMAL SCHOOL OF ROBESON COUNTY TO TRANSFER TITLE TO PROPERTY OF SAID SCHOOL BY DEED TO STATE BOARD OF EDUCATION, AND TO PROVIDE FOR THE APPOINTMENT OF TRUSTEES FOR SAID SCHOOL.

The General Assembly of North Carolina do enact:

Conveyance and acceptance of property authorized. SECTION 1. That in accordance with the recent action of the trustees, in meeting assembled, of the Croatan State Normal School, now known as the Indian Normal School of Robeson County, situated near Pembroke, North Carolina, said school being incorporated under chapter four hundred, Public Laws of one thousand eight hundred and eighty-seven, which action of the trustees of said school has been duly certified to by the president, C. R. Sampson, and the secretary, A. A. Locklear, the said trustees are hereby empowered to convey by deed to the State Board of Education the title to all property of said school, and the State Board of Education is hereby authorized to accept same.

Appointment of trustees. SEC. 2. That the State Board of Education shall appoint seven members of the Indian race, formerly known as Croatans, to be

constituted the board of trustees of said school, as follows: Two Terms of office. members for the term of two years, two for the term of four years, and three for the term of six years; and, at the expiration of these terms, their successors shall be appointed by the State Board of Education for a term of six years.

SEC. 3. That the board of trustees of said Indian Normal School Powers of trustees. of Robeson County shall have the power to employ and discharge teachers, to prevent negroes from attending said school, and to exercise the usual functions of control and management of said school, their action being subject to the approval of the State Board of Education.

SEC. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 5. This act shall be in force from and after its ratification. Ratified this the 8th day of March, A. D. 1911.

CHAPTER 169.

AN ACT AUTHORIZING THE COMMITMENT OF A CERTAIN CLASS OF INSANE PERSONS TO THE STATE HOSPITAL FOR THE DANGEROUS INSANE.

The General Assembly of North Carolina do enact:

SECTION 1. That whenever any person who has been confined in Persons subject to commitment. the State's Prison under sentence for the felonious killing of another person, and who has been discharged therefrom at the expiration of his term of sentence, or as the result of Executive clemency, shall thereafter so act as to justify the belief that he is possessed of a homicidal mania, and shall be duly adjudged insane, in accordance with the provisions of chapter ninety-seven, subchapter four, of the Revisal of one thousand nine hundred and five of North Carolina, the clerk of the Superior Court or other officer having jurisdiction of the proceedings in which such person shall be adjudged insane, may, in his discretion, commit such person to the State Hospital for the Dangerous Insane, or to one of the other State hospitals for the insane, as in said subchapter authorized and provided.

SEC. 2. That it shall be the duty of the duly constituted authorities of the State Hospital for the Dangerous Insane to receive all such insane persons as shall be committed to said institution in accordance with the provisions of section one of this act, and to properly treat and care for the same until discharged in accordance with the provisions of law governing the discharged patients from the other State hospitals for the insane. Receipt and treatment of persons committed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1911.

CHAPTER 170.

AN ACT TO PROHIBIT THE USE OF DYNAMITE OR OTHER
EXPLOSIVE AGENCIES TO KILL FISH IN ANY OF THE
STREAMS OR OTHER WATERS OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Use of dynamite
or other explosive
forbidden.

Misdemeanor.

Punishment.

Prima facie
evidence.

SECTION 1. That it shall be unlawful for any person or persons to kill fish with dynamite or other explosive agencies in any of the streams or other waters of North Carolina, and any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction be fined not exceeding fifty dollars for each and every offense or imprisoned not exceeding thirty days, and the possession of fish killed by explosive agencies shall be *prima facie* evidence of the violation of this act.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1911.

CHAPTER 171.

AN ACT TO AMEND CHAPTER 663, PUBLIC LAWS 1909,
RELATIVE TO PACKING AND SALE OF SALT FISH.

The General Assembly of North Carolina do enact:

Proviso: petition
of two or more
persons to make
action mandatory.

Failure a misde-
meanor.

Proviso: time of
filing petition.

Punishment.

SECTION 1. Add to section one of chapter six hundred and sixty-three, Public Laws of one thousand nine hundred and nine, after the word "agree," at the end of said section, the following: "*Provided*, that in any county where the board of county commissioners have not already appointed an inspector as is provided in section one of said act, that upon a petition of two or more persons it shall be mandatory upon the said board of county commissioners to immediately appoint an inspector in accordance with the provisions of section one of said act. Upon failure to do so for five days after said petition has been filed, said board shall be guilty of a misdemeanor: *Provided*, said petition be filed with the clerk of the board of commissioners five days before regular meeting of said board, and upon conviction shall be fined not less than five nor more than fifty dollars for each member or be imprisoned not more than thirty days.

SEC. 2. This act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, A. D. 1911.

poration audited by some competent accountant, to the end that the financial status of said corporation may be ascertained.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1911.

CHAPTER 175.

AN ACT TO PROVIDE FOR THE PRESERVATION OF CERTAIN PUBLIC RECORDS.

The General Assembly of North Carolina do enact:

Maps to be copied.

SECTION 1. That the Secretary of State of North Carolina is empowered, and hereby directed, to cause to be copied upon tracing cloth or linen the following maps now on file in his office:

Map of Cherokee lands.

(1) "Map of the Cherokee Lands made by Robert Lane, Esq., in July, one thousand eight hundred and twenty."

Map of Cherokee country.

(2) "A map of the Cherokee Country in North Carolina surveyed in the year one thousand eight hundred and thirty-seven. Drawn from the return of Deputy Surveyors. By R. Deaven Prs. Sr."

Size and scale.

The said copies shall be the same size, that is, upon the same scale, as the original, and be perfect copies.

Blue-prints to counties.

SEC. 2. The Secretary of State shall cause the said maps to be blue-printed, or white-printed, and a print of each map furnished the board of county commissioners of each county any part of whose territory consists of any lands shown on said maps. The said copies so furnished the said county commissioners shall be preserved for public use in the office of the register of deeds of the respective counties.

Preservation of copies for public use.

Certified copies as evidence.

SEC. 3. Certified copies by the Secretary of State of the copies, or parts thereof, so made pursuant to this act, shall have the same force and effect and be entitled to the same force and effect as evidence as certified copies of the whole or parts, as the case may be, of the said original maps.

Appropriation for expense.

SEC. 4. The sum of one hundred and fifty dollars is hereby appropriated for the purpose of defraying the cost of making said copies and prints, and carrying out the provisions of this act; so much of said sum shall be expended as is necessary for the purposes above mentioned, and the residue, if any, shall be used in the preservation and care of any other records in the Secretary's office.

SEC. 5. This act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1911.

CHAPTER 176.

AN ACT TO AMEND CHAPTER 825 OF THE PRIVATE LAWS OF 1909, AMENDING SECTION 28 OF THE REVISAL OF 1905, RELATIVE TO BONDS OF FOREIGN EXECUTORS, ETC.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter eight hundred and twenty-five of the Public Laws of one thousand nine hundred and nine, amendatory of section twenty-eight of the Revisal of one thousand nine hundred and five, be amended by adding the following proviso: "Provided further, that where the will appointing any nonresident of the State an executor provides that such executor shall not be required to give bond for the faithful discharge of his duties as such, and a resident of the State is appointed and qualifies as coexecutor, then the nonresident executor shall not be required to give bond, as directed by section twenty-eight of the Revisal, unless the clerk of the Superior Court of the county where said will is first probated shall, upon the petition of creditors or beneficiaries of said estate, deem it necessary that said nonresident executor shall give such bond for the protection of the interests of such creditors or beneficiaries." Nonresident executors not required to give bond.
Bond upon petition of creditors or beneficiaries.

SEC. 2. That this act shall be in force from and after its ratification, and shall apply to nonresident executors who qualified prior to its passage, as well as those qualifying thereafter. When act effective, Application.

Ratified this the 8th day of March, A. D. 1911.

CHAPTER 177.

AN ACT TO EXEMPT THE NORTH CAROLINA DRAINAGE BONDS FROM TAXATION FOR A CERTAIN NUMBER OF YEARS.

The General Assembly of North Carolina do enact:

SECTION 1. That the bonds and coupons issued under and by authority of section thirty-four of chapter four hundred and forty-two of the Public Laws of one thousand nine hundred and nine shall during the years one thousand nine hundred and eleven to one thousand nine hundred and twenty-five, exclusive, be exempt from all county or municipal taxation or assessment, direct or indirect, general or special, whether imposed for purposes of general revenue or otherwise, and the interest thereon shall not be subject to taxation as for income, nor shall said bonds and coupons be subject to taxation when constituting a part of the sur- Exemption from taxation.

plus of any bank, trust company, or other corporation, but when constituting a part of such surplus shall be deducted from the total assets in order to ascertain the taxable value of such shares.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 8th day of March, A. D. 1911.

CHAPTER 178.

AN ACT TO ESTABLISH THE DIVIDING LINES BETWEEN CERTAIN SOUNDS IN DARE COUNTY, RELATIVE TO THE ENFORCEMENT OF THE LAWS IN THE SAID SOUNDS BY THE FISH COMMISSIONER.

The General Assembly of North Carolina do enact:

Line established,

SECTION 1. That the dividing line between Albemarle and Croatan, Croatan and Roanoke, Croatan and Pamlico, Roanoke and Pamlico sounds shall be the same as dotted red lines on chart number one hundred and forty, special issue by the United States Coast and Geodetic Survey of February, one thousand nine hundred and eleven.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1911.

CHAPTER 179.

AN ACT TO AMEND SECTION 3763 OF THE REVISAL OF 1905, RELATIVE TO SHOOTING AND THROWING AT TRAINS.

The General Assembly of North Carolina do enact:

Shooting or
throwing at per-
sons on trains,

SECTION 1. That section three thousand seven hundred and sixty-three of the Revisal of one thousand nine hundred and five be and the same is hereby amended as follows: By inserting after the word "train," in line four of said section, the words "or any person thereon."

SEC. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 8th day of March, A. D. 1911.

CHAPTER 180.

AN ACT TO AMEND SECTION 1, CHAPTER 722 OF THE
PUBLIC LAWS OF 1909.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter seven hundred and twenty-two of the Public Laws of one thousand nine hundred and nine be amended by striking out the words "one thousand," in the second line, and inserting in lieu thereof the words "five hundred." Registration of
deaths.

Ratified this the 8th day of March, A. D. 1911.

CHAPTER 181.

AN ACT TO AMEND CHAPTER 444 OF THE PUBLIC LAWS
OF 1909, EXTENDING THE TIME IN WHICH PRACTI-
TIONERS OF OPTOMETRY MAY REGISTER.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred and forty-four of the Public Laws of North Carolina of one thousand nine hundred and nine be and the same is hereby amended by striking out in line three, section six of said act, the word "six" and inserting in lieu thereof the word "twenty-four and one-fourth." Extension of time.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1911.

CHAPTER 182.

AN ACT TO AMEND CHAPTER 167, PUBLIC LAWS OF 1909.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter one hundred and sixty-seven of the Public Laws of one thousand nine hundred and nine be and the same is hereby amended by striking out the word "ten," in line four thereof, and inserting in lieu thereof the word "twelve." Time for registra-
tion of grants.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1911.

CHAPTER 183.

AN ACT TO AMEND SECTION 4935 OF THE REVISAL OF 1905, RELATIVE TO HOISTING ENGINES USED IN MINING.

The General Assembly of North Carolina do enact:

Number of persons in hoisting car.

SECTION 1. That section four thousand nine hundred and thirty-five of the Revisal of one thousand nine hundred and five be amended by striking out the word "two," in line nine thereof, and inserting in lieu thereof the word "six."

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1911.

CHAPTER 184.

AN ACT TO VALIDATE CERTAIN REGISTRATION.

Preamble.

Whereas the registers of deeds of the several counties of the State, without proper knowledge of their authority, but acting in good faith, have prior to the Laws of one thousand nine hundred and nine, chapter six hundred and twenty-eight, appointed deputies and clerks in their office; and whereas a great many deeds and other instruments have been registered by said clerks and deputies, and the book of registration has been signed in the name of the register of deeds by the clerk or deputy, and the purpose hereof is to validate the said registration where the same is in all respects, except the said signature, regular and valid: therefore,

The General Assembly of North Carolina do enact:

Registration by deputies validated.

SECTION 1. That all registration of deeds and other instruments heretofore made by the several registers of deeds of the several counties of the State by their deputies and clerks, and signed in the name of the register of deeds by a deputy or clerk, and when said registration is in all other respects regular, be and the same are hereby validated and declared of the same force and effect as if signed in the name of the register and not by a deputy or clerk: *Provided*, that this act shall not affect pending litigation in any State nor Federal court or any suit in substantial renewal of any pending litigation.

Proviso: existing suits not affected.

SEC. 2. This act shall be in full force from and after its ratification.

Ratified this the 8th day of March, A. D. 1911.

CHAPTER 185.

AN ACT TO PREVENT FRAUDS ON MERCHANTS.

The General Assembly of North Carolina do enact:

SECTION 1. That if any person, with intent to cheat and defraud, shall solicit and obtain from any merchant any article of wearing apparel on approval, and shall thereafter, upon demand, refuse or fail to return the same to such merchant in unused and undamaged condition, or to pay for the same, such person so offending shall be guilty of a misdemeanor. Evidence that a person has solicited a merchant to deliver to him any article of wearing apparel for examination or approval and has obtained the same upon such solicitation, and thereafter, upon demand, has refused or failed to return the same to such merchant in unused and undamaged condition, or to pay for the same, shall constitute *prima facie* evidence of the intent of such person to cheat and defraud, within the meaning of this statute.

Failure to return or pay for goods taken on approval a misdemeanor.

Prima facie evidence.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 8th day of March, A. D. 1911.

CHAPTER 186.

AN ACT TO REGULATE THE HOLDING OF THE COURTS OF SCOTLAND AND LEE COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter eight hundred and sixty-four of the Laws of one thousand nine hundred and nine be and the same is hereby amended as follows: By inserting after the word "March," in the fourth line of the part of said section which relates to the holding of Superior Courts in Scotland County, the word "sixth" instead of "seventh."

By inserting after the word "September," in line five in said part of said section, the following: "for the trial of civil cases exclusively, to continue for two weeks."

Seventh Monday after first Monday in September.

For trial of civil cases only.

By inserting after the word "March," in line four of said part, the following: "for the trial of criminal cases: *Provided*, that by consent civil cases may be tried."

By adding to said part of said section before the period, the following: "for the trial of civil cases exclusively."

For trial of criminal cases and civil cases by consent. Term for civil cases only.

By inserting in the part of said section relating to the holding of Superior Courts in Lee County, at the end of the first line, be-

Additional terms
for Lee county.

tween the words "March" and "seventh," the following: "The tenth Monday after the first Monday in March, for the trial of civil cases exclusively; fifteenth Monday after the first Monday in March, for the trial of civil cases exclusively."

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1911.

CHAPTER 187.

AN ACT IN REFERENCE TO THE STATE'S REVENUE.

The General Assembly of North Carolina do enact:

Treasurer to bor-
row money.

SECTION 1. That in case the Revenue Act enacted by the General Assembly of one thousand nine hundred and eleven shall not yield sufficient revenue to pay for the expenses of the State Government for the next two years and meet the appropriations made by the present session of the General Assembly, then, and in that event, the State Treasurer is and he is hereby authorized to borrow, with the advice and consent of the Governor and Council of State, not exceeding the sum of two hundred and fifty thousand dollars to supply the deficiency, and to execute his note for same, the said note to bear interest at a rate to be fixed by the State Treasurer, and shall be payable not more than twelve months from date of its execution.

Amount.

Interest and
maturity.

SEC. 2. This act shall be in effect from and after its ratification.

Ratified this the 8th day of March, A. D. 1911.

CHAPTER 188.

AN ACT TO AMEND CHAPTER 27 OF THE REVISAL OF 1905, RELATING TO DEAD BODIES FOR MEDICAL SCHOOLS.

The General Assembly of North Carolina do enact:

Bodies required
to be buried at
public expense.

SECTION 1. That section four thousand two hundred and eighty-eight of the said Revisal be amended by inserting after the word "State," in line five, the words, "or having charge or control of any dead human body required to be buried at public expense." Also, by inserting after the word "claimed," in line eight, the words, "within thirty-six hours, to be disposed of without expense to the State, county, or town."

Time for claiming
body.

SEC. 2. That said section four thousand two hundred and eighty-eight of the Revisal of nineteen hundred and five be further amended by inserting after the word "race," in line thirteen, the following words: "*Provided*, that this shall not apply to the dead bodies of persons who are inmates of State hospitals, or to the bodies of travelers or strangers who die suddenly, or to the bodies of persons who die in the State School for the Blind or the Deaf and Dumb, or any other State school."

Proviso:
exceptions.

SEC. 3. That this act shall not apply to the inmates of county homes.

Inmates of
county homes.

SEC. 4. That the last proviso of said section four thousand two hundred and eighty-eight of the Revisal of nineteen hundred and five be stricken out.

Exception
stricken out.

SEC. 5. That section four thousand two hundred and eighty-nine of the said Revisal be amended by adding the following: "Upon the written application of the professor of anatomy, or his accredited representative, of any medical school established by law in the State, the person or persons having charge or control of said dead body or bodies, as specified, shall give such professor of anatomy, or his accredited representative, permission to take, at the expiration of twenty-four hours after death, the body or bodies of such persons, to be used within the State for the advancement of anatomical science; and it shall be the duty of any professor of anatomy receiving such body or bodies to immediately report this fact to the secretary of the anatomical board. If any medical school, in the operation of this act, shall obtain more than its equitable proportion of bodies, as determined by the said secretary, then two-thirds of such excess shall be shipped to some other medical school in the State, to be designated by the secretary of the anatomical board."

Application for
subjects.

Delivery of body.

Report to secretary of anatomical board.
Apportionment of subjects.

SEC. 6. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 7. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1911.

CHAPTER 189.

AN ACT TO PREVENT THE PROSTITUTION OF WOMEN AND GIRLS, AND BAWDY-HOUSES.

The General Assembly of North Carolina do enact:

SECTION 1. That any person who shall procure a female inmate for a house of prostitution, or who, by promises, threats, violence, or by any device or scheme shall cause, induce, persuade, or encourage a female person to become an inmate of a house of prosti-

Procuring inmates for houses of prostitution.
Inducing females to become inmates.

Procuring place for inmate.
 Inducing inmates to remain.
 Procurement of prostitution by fraud or duress.
 Procurement to come into or leave State.
 Procurement to become inmate of house of ill-fame.
 Procurement of entry into or departure from State.
 Procurement by purchase.
 Misdemeanor.
 Punishment, first offense.

tution, or shall procure a place as inmate in a house of prostitution for a female person; or any person who shall, by promises, threats, violence, or by any device or scheme cause, induce, persuade, or encourage an inmate of a house of prostitution to remain therein as such inmate; or any person who shall, by fraud or artifice, or by duress of person or goods, or by abuse of any position of confidence or authority, procure any female person to become an inmate of a house of ill-fame, or to enter any place in which prostitution is encouraged or allowed within this State, or to come into this State or leave this State for the purpose of prostitution, or who shall procure any female person who has not previously practiced prostitution to become an inmate of a house of ill-fame within this State, or to come into this State or leave this State for the purpose of prostitution, or shall receive or give or agree to receive or give any money or thing of value for procuring or attempting to procure any female person to become an inmate of a house of ill-fame within this State, or to come into this State or leave this State for the purpose of prostitution, shall be guilty of a misdemeanor, and upon a first conviction for an offense under this act shall be punished by imprisonment in the county jail for a period of not less than six months nor more than one year, and by a fine of not less than three hundred dollars and not to exceed one thousand dollars.

SEC. 2. That all laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1911.

CHAPTER 190.

AN ACT TO AMEND CHAPTER 830 OF THE PUBLIC LAWS OF 1907, RELATIVE TO THE SALARY OF THE ASSISTANT COMMISSIONER OF LABOR AND PRINTING.

The General Assembly of North Carolina do enact:

Salary.

SECTION 1. That section nine of chapter eight hundred and thirty, Public Laws of one thousand nine hundred and seven, be amended by striking out, in line three thereof, the word "twelve" and inserting in lieu thereof the word "sixteen."

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1911.

CHAPTER 191.

AN ACT RELATIVE TO COLORED ORPHAN ASYLUM
AT OXFORD.

Whereas the Colored Orphan Asylum at Oxford, North Carolina, in May, one thousand nine hundred and nine, suffered a serious loss by fire which destroyed one of the principal buildings of said institution; and whereas the superintendent, by aid of the orphan children, has manufactured the brick and constructed a new building, which is about two-thirds finished, and said institution is entirely without means and must have the necessary money to finish the said brick building, or the same will be ruined by the weather:

The General Assembly of North Carolina do enact:

SECTION 1. That the Treasurer of North Carolina is hereby authorized and directed to pay to said institution the sum of two thousand dollars on the first day of November, one thousand nine hundred and twelve, to be used in the completion of said building upon the premises of the Colored Orphan Asylum at Oxford, North Carolina.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1911.

CHAPTER 192.

AN ACT TO REGULATE THE NOMINATION OF CANDIDATES
FOR STATE SENATOR IN CERTAIN SENATORIAL DISTRICTS.

The General Assembly of North Carolina do enact:

SECTION 1. That whenever any Senatorial district shall consist of two or more counties, in any one or more of which the manner of nominating candidates for legislative offices is regulated by statute, and the privileges of selecting the candidate for Senator, or any one of the candidates for Senator, of any political party as defined in section four thousand two hundred and ninety-two of the Revisal of one thousand nine hundred and five of North Carolina, in such Senatorial district, shall be, by agreement of the several executive committees representing such political party in the counties constituting such district, conceded to any one county in the same, such candidate may be selected in the same manner as such party's candidates for county offices in such

Certificate of
nomination.

county, whether in pursuance of statute or under the plan of organization of such party. All nominations of party candidates for the office of Senator, made as hereinbefore provided, shall be duly certified, by the chairman and secretary of the executive committee of the party making the same, and for the county in which made, to the chairmen of the executive committees of such party in all other counties constituting the Senatorial district in which such candidate shall be selected as hereinbefore provided; and no other action shall be deemed necessary to constitute such candidate the nominee of his party for such office.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1911.

CHAPTER 193.

AN ACT TO AMEND SECTION 3620 OF THE REVISAL OF 1905, RELATING TO THE PUNISHMENT OF ASSAULT AND BATTERY ON ANY FEMALE PERSON.

The General Assembly of North Carolina do enact:

Assaults on
females.

SECTION 1. That section three thousand six hundred and twenty of the Revisal of nineteen hundred and five of North Carolina be amended by adding at the end of said section the following: "or to cases of assault or assault and battery by any man or boy over eighteen years of age on any female person."

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1911.

CHAPTER 194.

AN ACT TO AMEND CHAPTER 37, PUBLIC LAWS 1908.

The General Assembly of North Carolina do enact:

Burial expenses.

SECTION 1. Amend section one of chapter thirty-seven, Public Laws extra session one thousand nine hundred and eight, by adding in line two of said section, between the words "county" and "shall," the words "or the widow of a Confederate soldier."

Burial expenses.

SEC. 2. Add at end of section one of said chapter the words "or widow."

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1911.

CHAPTER 195.

AN ACT TO PROVIDE FOR CONTESTS, VOID OR VOIDABLE GRANTS AND ENTRIES.

The General Assembly of North Carolina do enact:

SECTION 1. That section eight hundred and twenty-seven of the Revisal of one thousand nine hundred and five be and the same is hereby amended by adding thereto the following subsection:

"3. When any person, natural or corporate, shall have or claim to have or hold any rights or franchises by reason of a grant or otherwise, in violation of the provisions of article eight, chapter thirty-seven of the Revisal of one thousand nine hundred and five."

Attorney-general to bring action.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 8th day of March, A. D. 1911.

CHAPTER 196.

AN ACT TO AMEND CHAPTER 100, REVISAL OF 1905, OF NORTH CAROLINA, AMENDING THE GENERAL INSURANCE LAW.

The General Assembly of North Carolina do enact:

SECTION 1. Amend section four thousand six hundred and eighty-five, in line three, by adding after the word "with" and before the word "stationery" the word "messenger."

Messenger for insurance department.

SEC. 2. Add after the end of section four thousand six hundred and eighty-five the words: "There shall be allowed to said department a sum of not exceeding two hundred and fifty dollars as a contingent fund, of which so much may be used by the commissioner as may be necessary to pay the actual expenses of the commissioner or his deputies when engaged in departmental duties or work for the good of the department or State. Said accounts to be itemized and paid on the approval of the Insurance Commissioner and only for such expenses as are not otherwise provided for."

Contingent fund.

SEC. 3. Amend section four thousand seven hundred and forty (4740) by adding after the word "company," in line nine and before the word "shall," the words "or owners of guaranty surplus," and in all lines of said section except said line nine, after the word "capital," add the words "or surplus."

Guaranty surplus of mutual fire companies.

SEC. 4. Amend section four thousand eight hundred and five (4805) by inserting after the word "chapter" and the end of the parenthesis and before the word "shall" the words "or any individual, corporation, or copartnership who shall by agents offer for

Individuals, corporations or copartnerships to take out license.

Agents for other companies. sale or sell the stocks, bonds, or obligations of any foreign corporation, whether organized or to be organized or being promoted."

SEC. 5. Amend section four thousand eight hundred and ten (4810), in line two, after the word "accident" and before the words "plate-glass," by inserting the words "health, live-stock, marine, leakage, credit."

Agents signing blank policies.

SEC. 6. Amend section three thousand four hundred and eighty-eight (3488) of Revisal of nineteen hundred and five (1905) of North Carolina by adding, in line two, after the word "any" and before the words "steam boiler," the words "fire, marine, health, live-stock, leakage, credit."

Further prohibition of rebates.

SEC. 7. Amend section four thousand seven hundred and seventy-five (4775) by adding at the end thereof the words "or give, sell, or purchase, or offer to give, sell, or purchase as inducement to insurance or in connection therewith any stocks, bonds, or other securities of any insurance company or other corporation, association, or partnership, or any dividends or profits to accrue therein or anything of value whatsoever not specified in the policy."

Agents guilty of larceny.

SEC. 8. Amend section three thousand four hundred and eighty-nine (3489) by inserting, in line three, after the word "company" and before the word "lawfully," the words "association or fraternal order or society."

SEC. 9. This act shall be in force from and after its ratification. Ratified this the 8th day of March, A. D. 1911.

CHAPTER 197.

AN ACT TO AMEND CHAPTER 469 OF THE PUBLIC LAWS OF 1907, IT BEING AN ACT TO EXTEND AND ENLARGE THE POWERS OF THE NORTH CAROLINA CORPORATION COMMISSION.

The General Assembly of North Carolina do enact:

SECTION 1. Amend subsection (c) of section one to make it read as follows:

Raising or lowering of tracks.

"To require the raising or lowering of any tracks or highway at any highway or railroad crossing, and to designate who shall pay for the same; and when they think proper partition the cost of abolishing grade crossings and the raising or lowering of said track or highway among the railroads and municipalities interested."

Grade crossings.

SEC. 2. By adding to the end of section one, subsection (d), as follows:

Interlocking automatic signals at crossings and bridges.

"To require, when public safety demands, when and in case two or more railroads now cross or may hereafter cross each other, at a common grade, or any railroad crosses any stream or harbor by

means of a bridge, to install and maintain such a system of interlocking or automatic signals as will render it safe for engines and trains to pass over such crossings or bridge without stopping, and to apportion the cost of installation and maintenance between said railroads as may be just and proper: *Provided*, this act shall not apply to and shall not in any manner affect any crossing at which one railroad now crosses another railroad under the terms of an agreement entered into by the said railroads relative to the construction and maintenance of interlocking switches or other devices for the safety and protection of said crossing.”

Proviso:
exceptions.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1911.

CHAPTER 198.

AN ACT FOR THE RELIEF OF WIDOWS OF CONFEDERATE SOLDIERS.

The General Assembly of North Carolina do enact:

SECTION 1. That whenever a Confederate soldier, who is now on the pension list, shall die after the check, warrant, or allotment has been issued or made in his favor and before its delivery to him, it shall be lawful for the clerk of the Superior Court of the county in which said soldier lived to pay said check or warrant to the widow, or next of kin, of said pensioner, and the indorsement of said widow or next of kin shall be a valid indorsement of said check or warrant.

Check payable to
widow or next of
kin.

Indorsement.

SEC. 2. This act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1911.

CHAPTER 199.

AN ACT TO AMEND CHAPTER 100 OF VOLUME II OF THE REVISAL OF 1905, RELATING TO TAX ON AND REPORTS OF BENEFICIAL FRATERNAL ORDERS.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred of volume two of the Revisal of one thousand nine hundred and five, and amendments thereto, be amended as follows:

That beneficial fraternal orders, or societies incorporated under the laws of this State which are conducted under the lodge system, having the supreme lodge or governing body located in this

Lodges released
from operation of
law.

State, and so organized that the membership consists of members of subordinate lodges, and the subordinate lodges except for membership none but residents of the county in which such subordinate lodge is located, and each subordinate lodge issues certificates, makes assessments, and collects a fund to pay benefits to the widows and orphans of its own deceased members and their families, each lodge independently of the other, for itself, and independently of the supreme lodge, each lodge controlling the fund for this purpose, and in addition to the benefits paid by each subordinate lodge to its own members, the supreme lodge provides for an additional benefit for such of the members of the subordinate lodges as may be qualified, at the option of the subordinate lodge member, and such organization is not conducted for profit, has no capital stock, and has been in operation for ten years in this State, such beneficial orders or societies shall be exempt from the requirements of chapter one hundred, volume two of the Revisal of North Carolina of one thousand nine hundred and five, and shall not be required to pay any license tax or fees nor make any report to the Commissioner of Insurance, unless the assessments collected for death benefits by the supreme lodge shall amount to at least three hundred dollars (\$300) in one year.

Affidavits may be required.

SEC. 2. Providing the chief or presiding officer, or the secretary, may be required by the Insurance Commissioner to annually file an affidavit showing that such organization is entitled to the exemption herein provided.

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 8th day of March, A. D. 1911.

CHAPTER 200.

AN ACT TO AMEND SECTION 3754 OF THE REVISAL OF 1905, FOR THE PROTECTION OF RAILWAY EMPLOYEES AND THE TRAVELING PUBLIC.

The General Assembly of North Carolina do enact:

Injuring or obstructing railroads, felony.

SECTION 1. That section three thousand seven hundred and fifty-four of the Revisal of one thousand nine hundred and five be and the same is hereby amended as follows: By striking out the word "misdemeanor," in line twelve of said section, and insert in lieu thereof the word "felony."

SEC. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1911.

CHAPTER 201.

AN ACT TO PROVIDE FOR CONTESTS, VOID OR VOID-
ABLE GRANTS AND ENTRIES.

The General Assembly of North Carolina do enact:

SECTION 1. That section eight hundred and twenty-seven of the Revisal of one thousand nine hundred and five be and the same is hereby amended by adding thereto the following subsection: "3. When any person, natural or corporate, shall have or claim to have or hold any rights or franchises by reason of a grant or otherwise, in violation of the provisions of article eight, chapter thirty-seven of the Revisal of one thousand nine hundred and five."

Action by
attorney-general.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 8th day of March, A. D. 1911.

CHAPTER 202.

AN ACT TO AMEND SECTION 2768 OF THE REVISAL OF
1905, PROVIDING FULL COMPENSATION TO SOLICITORS
WHEN DEFENDANTS ARE ASSIGNED TO WORK ON PUB-
LIC ROADS.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand seven hundred and sixty-eight of the Revisal of one thousand nine hundred and five be amended by inserting after the word "conspiracy" and before the word "when," in line twenty-one thereof, the following: "and when defendants are convicted and assigned to work on the public roads of any county in the State."

Defendant con-
victed and
assigned to road
work.

SEC. 2. This act shall apply to Eleventh Judicial District only.

Applies to
eleventh district
only.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1911.

CHAPTER 203.

AN ACT TO PROVIDE MEANS FOR CARRYING OUT THE
ORDERS OF THE NORTH CAROLINA CORPORATION COM-
MISSION TO CONSTRUCT INDUSTRIAL SIDINGS.

The General Assembly of North Carolina do enact:

SECTION 1. That when any railroad company doing business in the State of North Carolina, whether such railroad be a domestic or foreign corporation, has been or shall be ordered by the North

Power to condemn
right of way for
siding.

Carolina Corporation Commission to construct an industrial siding, as provided by subsection five of section one thousand and ninety-seven of the Revisal of one thousand nine hundred and five, power is hereby conferred upon such railroad company to exercise the right of eminent domain for such purpose, and to condemn property in the manner and under the rules provided by law for condemnation of property by railroad companies generally, and acquire such right of way as may be necessary to carry out the orders of the North Carolina Corporation Commission.

Use of streets in
constructing
siding.

SEC. 2. That whenever it is necessary for any railroad company doing business in the State of North Carolina to cross a street, or streets, in a town or city, in order to carry out the orders of the North Carolina Corporation Commission, to construct an industrial siding, the power is hereby conferred upon such railroad company to occupy such street or streets of any such town or city within the State of North Carolina: *Provided* license so to do be first obtained from the board of aldermen, board of commissioners, or other governing authorities of such town or city.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1911.

CHAPTER 204.

AN ACT SUPPLEMENTAL TO AN ACT PASSED AT THIS SESSION OF THE GENERAL ASSEMBLY ENTITLED "AN ACT TO AMEND CHAPTER 857 OF THE PUBLIC LAWS OF 1907, RELATING TO THE PROTECTION OF FOOD FISH IN CARTERET COUNTY, BEING HOUSE BILL 937, SENATE BILL 1269.

The General Assembly of North Carolina do enact:

SECTION 1. That House bill nine hundred and thirty-seven, Senate bill one thousand two hundred and sixty-nine, entitled "An act to amend chapter eight hundred and fifty-seven of the Public Laws of one thousand nine hundred and seven, relating to the protection of food fish in Carteret County," ratified March the fourth, one thousand nine hundred and eleven, be amended by striking out the words and figures "two thousand (2,000)," in section three, line four thereof, and insert in lieu thereof the following words and figures: "five hundred (500)."

Limit of fine.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1911.

CHAPTER 205.

AN ACT SUPPLEMENTAL TO HOUSE BILL 1800 AND SENATE BILL 789 OF THE GENERAL ASSEMBLY OF 1911.

The General Assembly of North Carolina do enact:

SECTION 1. That House bill one thousand eight hundred and Senate bill seven hundred and eighty-nine of the General Assembly of one thousand nine hundred and eleven, which was ratified the third day of March, one thousand nine hundred and eleven, be amended by striking out the word "two" before the word years, Time extended. in line six of page ten of said bill, and substituting therefor the word "three."

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1911.

CHAPTER 206.

AN ACT TO AMEND CHAPTER 779, PUBLIC LAWS OF 1909, RELATING TO THE APPROPRIATIONS FOR CONFEDERATE PENSIONS OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter seven hundred and seventy-nine of the Appropriation. Public Laws of one thousand nine hundred and nine be amended by striking out all of the last line of section three of said chapter and inserting in lieu thereof the following: "five hundred thousand dollars (\$500,000)."

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1911.

CHAPTER 207.

AN ACT TO AMEND SECTION 2863 OF THE REVISAL OF 1905, RELATIVE TO TAX LIENS UPON PERSONAL PROPERTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand eight hundred and sixty-three be and the same is hereby amended by adding after the last word in said section the following: "*Provided*, that no mortgage or deed of trust executed upon personal property shall have the effect of creating a lien thereon superior to the lien acquired by a Lien for tax paramount.

Notice to mortgagee or trustee.

Tax paid by mortgagee or trustee added to debt.

subsequent levy upon said property for the payment of the State, county, and municipal taxes, assessed against the same; but the sheriff or other tax collector levying upon such property, for the purpose of collecting the taxes due thereon, shall give due notice to the mortgagee or trustee of such property of the amount of such taxes at least ten days before the sale of the same, and such trustee or mortgagee shall have the right to pay said taxes and the costs incident to making said levy, when the sheriff or tax collector shall release the same to such trustee or mortgagee, and the amount so paid by said trustee or mortgagee shall constitute a part of the debt secured in said mortgage or deed of trust.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 8th day of March, A. D. 1911.

CHAPTER 208.

AN ACT TO AMEND CHAPTER 830, PUBLIC LAWS 1907, RELATIVE TO THE LAW GOVERNING THE STATE INSURANCE DEPARTMENT.

The General Assembly of North Carolina do enact:

Salary of chief clerk to insurance commissioner.

SECTION 1. That chapter eight hundred and thirty, section ten, Public Laws of one thousand nine hundred and seven, be amended by striking therefrom, in line five, the word "twelve" and inserting in lieu thereof the word "fifteen."

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from its ratification. Ratified this the 8th day of March, A. D. 1911.

CHAPTER 209.

AN ACT PROVIDING STANDARD PROVISIONS FOR ACCIDENT AND HEALTH POLICIES.

The General Assembly of North Carolina do enact:

Issuance or delivery of policy forbidden.

SECTION 1. On and after the first day of October, one thousand nine hundred and eleven, no policy of insurance against loss or damage from diseases, or by bodily injury by accident, or both, of the assured shall be issued or delivered in this State by any corporation authorized to do business in this State.

Copy of form, table of rates and manual of risks to be filed with insurance commissioner.

(1) Unless and until a copy of the form thereof and the table of rates or manual of risks of the corporation has been filed at least thirty days with the Insurance Commissioner, unless before the expiration of said thirty days the commissioner shall have ap-

proved the same in writing; nor (2) if the Insurance Commissioner notifies the corporation in writing that in his opinion the form of said policy does not comply with the requirements of the laws of this State, specifying the reasons for his opinion: *Provided*, that upon the petition of the company, the opinion of the Insurance Commissioner shall be subject to review by any court of competent jurisdiction upon the evidence filed before the commissioner; nor (3) shall such policy be so issued or delivered unless every portion is plainly printed in type not smaller than long primer or ten-point type; nor (4) unless there is printed on the first page thereof and on its filing back, in type not smaller than eighteen point or great primer, a brief description of the policy; nor (5) unless the exceptions be printed with the same prominence as the benefits to which such exceptions apply; nor (6) unless it contains in substance the following provisions:

Notice to company of non-compliance.

Proviso: review by court.

Printing.

Description of policy.

Exceptions given same prominence as benefits. Provisions to be embraced in policy. Entire contract.

1. A provision that such policy, with a copy of the application therefor, if any, and such other papers as may be attached to or indorsed thereon, shall constitute the entire contract of insurance, except as the same may be affected by any table of rates or classification of risks filed by the corporation with the Insurance Commissioner.

2. A provision that no statement made by the applicant for insurance, which statement is not incorporated in or indorsed on the policy issued to such applicant, shall avoid the policy or be used in evidence, and no provision of the charter, constitution, or by-laws shall be used in defense of any claims arising under any such policy, unless such provisions are incorporated in full in the policy; but this requirement shall not be deemed to apply to the table of rates or manual of classification of risks of any corporation filed with the Insurance Commissioner prior to the date of the occurrence of the injury or commencement of the sickness for which indemnity is claimed.

Statements not to be used to avoid policy or in defense of claims.

3. A provision that specifies the time within which notice of accident or disability shall be given, which time shall not be less than twenty days from the date of the accident nor less than ten days from the date of the beginning of the disability from sickness upon which claim is based: *Provided, however*, that in case of accidental death, immediate notice thereof may be required, unless the notice herein specified shall be shown not to have been reasonably possible.

Time within which notice shall be given.

Proviso: immediate notice.

4. A provision that notice of claim for indemnity shall be deemed sufficient when given to the office or agent of the corporation specified in said policy.

Notice to office or agent of corporation.

5. A provision that, under every such policy, if a past-due premium shall be accepted by the corporation or by a branch office or by an authorized agent of the corporation in the city, town, or county in which the assured shall reside, or by the duly author-

Acceptance of past-due premium to reinstate policy.

ized agent of the corporation who accepted the last premium on the policy, such acceptance shall reinstate the policy in full as to disability resulting from accidental bodily injuries thereafter sustained, but shall only reinstate the policy as to disability from diseases beginning more than ten days after the date of such acceptance.

Modification of benefits upon change of occupation.

6. A provision that, if the insured is injured or contracts disease after having changed his occupation to one classified by the corporation as more hazardous than that stated in the policy, or while he is doing any act or thing pertaining to any occupation so classified (except ordinary duties about his residence or while engaged in recreation), the corporation shall pay such proportion of the indemnities provided in the policy as the premium paid would have purchased at the rate, but within the limits fixed by the corporation for such more hazardous occupation according to the corporation's rates and classification of risks filed with the Insurance Commissioner prior to the occurrence of the injury or the commencement of the disease for which indemnity is claimed.

Payment of benefits within 60 days.

7. A provision that the corporation will pay the benefits promised within sixty days of the receipt by it of due proofs of death or disability.

Cancellation of policy.

8. A provision that the policy may be canceled at any time by the corporation by written notice delivered to the insured or mailed to him at his last address as shown by the records of the corporation and the tender of the corporation's check for the unearned portion of the premium, but that such cancellation shall be without prejudice to any claim arising on account of disability commencing prior to the date on which the cancellation takes effect.

Time for submission of proofs of claim.

9. A provision that no such policy shall limit the time within which proofs of claim shall be furnished to the corporation to a period less than ninety days from the date of death, dismemberment, or loss of sight, or from the termination of any other disability.

Provisions forbidden.

SEC. 2. No such policy insuring against accidental bodily injuries or disease or death shall be so issued or delivered in this State, if it contains, in substance, any of the following provisions:

Limit of time for bringing action.

(a) A provision limiting the time in which an action at law or in equity may be commenced to less than one year from the date when the final proof of claim is filed with the corporation.

Deductions from indemnity.

(b) A provision authorizing the deduction of any premium or assessment from any indemnity payable under the terms of the policy, except such premium or assessment as may be due or covered by written order or note at the time of the payment of the indemnity.

Limit of indemnity.

(c) A provision limiting the amount of indemnity to be paid to a sum less than the indemnity as stated in the policy and for

which the premium has been paid: *Provided, however*, if the assured shall carry other insurance covering the same hazard, without giving written notice to the companies, corporations, or associations issuing the policies, then and in that case each company, corporation, or association shall be liable only for such proportionate amount of benefits as the indemnity promised bears to the total amount of indemnity in all the policies covering such hazard and for the return of such part of the premium paid as shall exceed the pro rata of the premium for the benefits paid.

SEC. 3. No such corporation, or its agent, shall issue or deliver in this State any policy which conflicts with any provision of this act. A policy issued in violation of this act shall be held valid, but shall be construed as provided in this act, and when any provision in such a policy is in conflict with any provision of this act, the rights, duties, and obligations of the corporation and policyholder and the beneficiary shall be governed by the provisions of this act.

SEC. 4. The policies of insurance against accidental bodily injury or disease issued by a corporation not organized under the laws of this State may contain any provision which the law of the State, territory, or district of the United States, or of a country outside of the United States, under which the corporation is organized, prescribes shall be in such policies, when issued in this State; and the policies of insurance against accidental bodily injury or disease issued by a corporation organized under the laws of this State may, when issued or delivered in any other State, Territory, district, or country, contain any provision required by the laws of the State, Territory, or district, or country in which the same are issued, anything in this act to the contrary notwithstanding.

SEC. 5. Nothing in this act, however, shall apply to or affect any general or blanket policy of insurance issued to any municipal corporation or department thereof, or to any corporation, copartnership, association, or individual employer, police or fire department, underwriters' corps, salvage bureau, or like associations or organizations, where the officers, members, or employees or classes of departments thereof are insured against accidental bodily injuries or diseases while exposed to the hazards of the occupation or otherwise in consideration of a premium intended to cover the risks of all the persons insured under such policy; nor shall anything in this act apply to or in any way affect contracts of life insurance or contracts supplemental to contracts of life or endowment insurance where such supplemental contracts contain provisions intended to safeguard such life insurance against lapse or provisions with regard to a special surrender value for such contracts of life or endowment insurance, in the event the insured thereunder shall, by reason of accidental bodily injury or disease, be unable to continue the premium payment thereon: *Provided*, that no such supplemental contract shall be issued or delivered in this

Proviso:
additional
insurance.

Issue or delivery
forbidden.

Construction of
policy.

Policies of foreign
companies.

Policies of State
companies in
other states.

General or
blanket policies.

Contracts of life
or endowment
insurance.

Proviso: form of
supplemental
contract.

State unless and until copies of the form thereof have been submitted to and approved by the Insurance Commissioner, under such reasonable rules and regulations as he shall make concerning the provisions in such contracts and their submission to and approval by him.

Fine for violation of act.

SEC. 6. Any corporation or association to which this act applies, or any officer or agent thereof, which or who issues or delivers in this State, or to any citizen thereof, any accident or health policy, or contract, in willful violation of the provisions of this act, shall be punished by a fine of not more than five hundred dollars for each offense, and the Insurance Commissioner may revoke the license of any foreign corporation or agent thereof which or who violates any provision of this act.

Revocation of license.

Repealing clause.

SEC. 7. All acts or parts of acts inconsistent with this act are hereby repealed.

When act effective. Filing of forms, tables and manuals.

SEC. 8. This act shall take effect from and after the first day of October, one thousand nine hundred and eleven; except that the Insurance Commissioner shall have power to call for the filing, not later than the first day of July, one thousand nine hundred and eleven, of all the forms and the tables or manuals of rates to be used by any such corporation, in accordance with the terms of this act, on or after the first day of October, one thousand nine hundred and eleven, and may approve or disapprove any of such forms so filed at any time prior to the last-mentioned date.

Ratified this the 8th day of March, A. D. 1911.

CHAPTER 210.

AN ACT TO AMEND CHAPTER 830, PUBLIC LAWS OF 1907, RELATIVE TO LAWS CONTROLLING INSURANCE DEPARTMENT.

The General Assembly of North Carolina do enact:

Salary of license clerk.

SECTION 1. Amend chapter eight hundred and thirty, Public Laws of one thousand nine hundred and seven, by striking therefrom, in section ten, line seven, after the words "salary of," the words "seven hundred and fifty," and inserting in lieu thereof the words "one thousand."

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1911.

CHAPTER 211.

AN ACT TO AMEND CERTAIN SECTIONS OF THE REVISAL OF 1905, AND TO REGULATE THE PUBLIC PRINTING.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purposes of this act the term "Public Printing" shall be construed to mean all printing done directly for the State and paid for out of the general fund, and included in the following: All annual or biennial reports required to be made under laws that now or may hereafter exist, all blanks and blank books and office stationery required, and no more: *Provided*, that special bulletins and publications, except for divisions of the Government supported by State appropriations, may be allowed, by order of the Printing Commission.

Public printing defined.

Proviso: special bulletins and publications.

SEC. 2. That section four thousand four hundred and eleven of the Revisal of one thousand nine hundred and five be amended so as to read as follows:

"4411. *Printed number.* Not to exceed eight hundred copies each of the annual or biennial reports of the several departments of the State Government shall be printed, a copy of each of these to be furnished to each of the members and officers of the General Assembly, one copy to each State officer, and five copies to the State Librarian for filing, the remaining copies to be distributed in the discretion of the officer making such report: *Provided*, that the Printing Commission may permit the publication of a greater number of reports if in their judgment the same are necessary. The reports and publications of every kind now authorized or required to be printed by the several State departments and State institutions shall be as compact and concise as is consistent with an intelligent understanding of the work of the department. The details of the work of the departments shall not be printed when not necessary to an intelligent understanding of the work of the departments, but totals and results shall be tabulated and printed in said reports. It shall be the duty of the Governor and Council of State, the Attorney-General, and the Commissioner of Labor and Printing to determine what details of the work of any department or State institution shall be printed. The details shall be kept on file and subject to the inspection of the public."

Number to be printed of reports of departments. Distribution.

Proviso: increase of number.

Reports and publications compact and concise.

Details of work.

Determination of details.

Details kept on file.

SEC. 3. That section four thousand four hundred and twenty-four of the Revisal of one thousand nine hundred and five be amended as follows: Strike out in line four of said section the word "three" and insert in lieu thereof the word "two."

Number of captions of acts.

SEC. 4. That section four thousand four hundred and thirty-three be amended as follows: Add at the end of said section the words: *Provided, however*, that not more than five thousand dollars shall be used for this purpose in any biennial period."

Cost of reports of geological survey.

Cost of printing and stationery for board of health.

SEC. 5. That section four thousand four hundred and fifty-seven be amended by inserting in line two, on page one hundred and ninety-three, after the word "printer," the following: "Provided, that not more than eight thousand dollars shall be used for this purpose in any biennial period."

Expenditures of State historical commission.

SEC. 6. That section two of chapter seven hundred and fourteen of the Public Laws of one thousand nine hundred and seven be amended as follows: Add at the end of said section the words: "Provided, that not more than five thousand dollars shall be expended for this purpose in any biennial period."

Filing reports of State officers.

SEC. 7. That section five thousand one hundred and one of the Revisal of one thousand nine hundred and five be stricken out, and the following inserted in lieu thereof:

"5101. *Public documents.* Of the reports of State officers, constituting a part of the public documents, the Secretary of State shall be and is hereby required to file and keep in his office one copy of each, and the State Librarian shall likewise be required to keep five copies of each, in the best binding in which any such report is issued; and these files shall take the place of these same reports as have heretofore been bound in the volumes known as the Public Documents. The volumes known as the Public Documents shall contain only the reports of the various State institutions that are aided or sustained by special appropriations. Of these, there shall be bound not to exceed four hundred copies, one copy of which shall be furnished to each of the members and officers of the General Assembly, and to the various State officers, and one copy to each of the State institutions, and one copy to the Secretary of State, and five copies to the State Librarian for filing. The remainder, if any, shall be delivered to the Secretary of State."

Contents of public documents.

Number and distribution of public documents.

SEC. 8. That chapter one hundred and nine of the Revisal of one thousand nine hundred and five be amended by adding at the end thereof the following:

"5105a. *Commissioner of Labor and Printing; further powers of.* The Printing Commission shall have the power to regulate the sizes of books and publications, and the general style of publication, the style of type and the paper to be used, to the end that a uniform standard may be established for State publications. The Commissioner of Labor and Printing may, if he have reason to believe that any person is exceeding the intent of the law in the requisition of printing, refer the matter to the Printing Commission before allowing the publication of such matter."

Powers of printing commission.

Matters referred to printing commission.

SEC. 9. Strike out in line two of section one thousand one hundred and seventeen of the Revisal of one thousand nine hundred and five the word "annual," and insert in lieu thereof the word "biennial."

Corporation commission to report biennially.

SEC. 10. Add at the end of section one thousand two hundred and forty-four of the Revisal of one thousand nine hundred and

five the following: "Provided, that the Secretary of State and the Corporation Commission shall confer and arrange the statistics so as to prevent the same facts being embodied in the reports of both departments." Lists and reports of corporations.

SEC. 11. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 12. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1911.

CHAPTER 212.

AN ACT FOR THE RELIEF OF INDIGENT DEAF AND BLIND CHILDREN ATTENDING SCHOOL.

The General Assembly of North Carolina do enact:

SECTION 1. That section four thousand one hundred and ninety-nine (4199), chapter eighty-nine (89), of the Revisal of nineteen hundred and five (1905), be and the same is hereby amended by inserting the word "five" after the word "twenty," in the last line of said section. Allowance for clothing.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1911.

CHAPTER 213.

AN ACT TO AMEND SECTION 1137 OF REVISAL BY STRIKING OUT THE REQUIREMENT THAT THE TERMS ON WHICH DIFFERENT CLASSES OF STOCK ARE CREATED SHALL BE STATED IN THE INCORPORATION CERTIFICATE.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand one hundred and thirty-seven of the Revisal of one thousand nine hundred and five be amended by striking out, in lines five and six of subsection four, the following words: "with the terms on which the respective classes of stock are created." Requirement rescinded.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1911.

CHAPTER 214.

AN ACT TO AMEND CHAPTER 39 OF THE PUBLIC LAWS OF 1907, RELATING TO SUBCHAPTER 5 OF CHAPTER 61 OF THE REVISAL OF 1905, RELATIVE TO THE CARRIAGE OF FREIGHT.

The General Assembly of North Carolina do enact:

Law extended.

SECTION 1. That section four of chapter thirty-nine of the Public Laws of one thousand nine hundred and seven be and the same is hereby amended by inserting in line one thereof, after the word "companies" and before the word "which," the following: "and all standard-gauge or narrow-gauge roads, logging or otherwise, more than five miles in length and which have been in operation for five years."

SEC. 2. That this act shall only apply to Duplin County.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1911.

CHAPTER 215.

AN ACT TO CHANGE THE NAME OF THE INDIANS IN ROBESON COUNTY AND TO PROVIDE FOR SAID INDIANS SEPARATE APARTMENTS IN THE STATE HOSPITAL.

The General Assembly of North Carolina do enact:

Name changed.

SECTION 1. That chapter fifty-one of the Public Laws of North Carolina, session eighteen hundred and eighty-five, be and the same is hereby amended by striking out the words "Croatan Indians" wherever the same occur in said chapter and inserting in lieu thereof the words, "Indians of Robeson County."

Name changed.

SEC. 2. That in all laws enacted by the General Assembly of North Carolina relating to said Indians subsequent to the enactment of said chapter fifty-one of the Laws of eighteen hundred and eighty-five, the words "Croatan Indians" be and the same are hereby stricken out and the words "Indians of Robeson County" inserted in lieu thereof.

Name established.

SEC. 3. And that the said Indians residing in Robeson and adjoining counties which have heretofore been known as Croatan Indians, together with their descendants, shall hereafter be known and designated as "Indians of Robeson County," and by that name shall be entitled to all of the rights and privileges conferred by any of the laws of North Carolina upon the Indians heretofore known as Croatan Indians.

Name of school.

SEC. 4. That the school situated near the town of Pembroke in Robeson County, known as Croatan Indian Normal School, shall

hereafter be known and designated as "The Indian Normal School of Robeson County," and in that name shall be entitled to all of the privileges and powers heretofore conferred by any law of the State of North Carolina or any laws hereafter enacted for the benefit of said school.

SEC. 5. That the Board of Directors for the State Hospital for the Insane at Raleigh are hereby authorized and directed to provide and set apart at said hospital, as soon after passage of this act as practicable, suitable apartments and wards for the accommodation of any of said Indians of Robeson County who may be entitled under the laws relating to insane persons to be admitted to said hospital. Separate quarters in hospitals.

SEC. 6. That the sheriff, jailer, or other proper authorities of Robeson County shall provide in the common jail of Robeson County and in the Home for the Aged and Infirm of Robeson County separate cells, wards, or apartments for the said Indians of Robeson County, in all cases where it shall be necessary under the laws of this State to commit any of said Indians to said jail or County Home for the Aged and Infirm. Separate quarters in jails and county homes.

SEC. 7. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 8. That this act shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1911.

RESOLUTIONS

OF THE

GENERAL ASSEMBLY

SESSION 1911.

RESOLUTION No. 1.

JOINT RESOLUTION IN REGARD TO THE DEATH OF JOHN L. STUART, REPRESENTATIVE FROM MONTGOMERY COUNTY.

Resolved by the House of Representatives, the Senate concurring:

That it having pleased God to call to Himself our associate, the Representative from Montgomery County, John L. Stuart:

Resolved, That in his death we are called upon to mourn the loss of a true and faithful and honest Representative. Born in Chatham County, April 5, 1842, he was descended from distinguished Revolutionary patriots, from whom he inherited an intense love of country. At the age of twenty he entered the Confederate Army, as a member of Company D, Forty-ninth North Carolina Regiment, Stephen D. Ramseur, colonel, and was assigned to the brigade commanded by Brigadier General Robert Ransom. John L. Stuart participated in every action in which his company was engaged: He was in the seven days battles around Richmond, and likewise participated in the battles of Sharpsburg, Drewry's Bluff, Bermuda Hundred, and Fredericksburg, and for nine months was in the trenches at Petersburg. In 1865 he was assigned to duty as a sharpshooter. On the 1st of April, 1865, he was wounded at the battle of Five Forks, captured and taken to Lincoln Hospital, at Washington, where his leg was amputated. At the close of the war he returned to his home, resumed his studies at school, and prepared himself to be a teacher, which profession he followed with much success. He served on the Board of Education of Montgomery County for six years, part of that time being its chairman, and served his county in numerous other ways. Without solicitation, he was nominated by the Democratic Party for the General Assembly of 1911, and was triumphantly elected. He accordingly took his seat in this body, January 4, 1911, serving until his death, which occurred at Rex Hospital in the city of Raleigh, January 8, 1911.

True, faithful and honest representative.
Birth.

Descent.
Enlistment.

Military services.

Civil services.

- Appropriation. *Be it further resolved*, That the Treasurer of North Carolina be and he is hereby ordered and directed to pay, out of any funds not otherwise appropriated, all expenses of the committee incurred in attendance upon the funeral rites and all funeral and other expenses of transportation of the body to its last resting place.
- Governor to be notified. *Be it further resolved*, That the committee so appointed at once notify his Excellency the Governor of the vacancy in this body.
- Adjournment. *Be it further resolved*, That this House do adjourn and all business of this body be suspended for the day, in memory of our deceased member.
- Flag at half-mast. *Resolved further*, That the keeper of the Capitol be directed to keep the flag upon the dome at half-mast for twenty-four hours.
- Copy of resolution. *Resolved further*, That a copy of this resolution be furnished to the widow of the deceased member.
- Ratified this the 12th day of January, A. D. 1911.

RESOLUTION No. 2.

RESOLUTION IN RELATION TO CANVASSING THE VOTE FOR STATE OFFICERS.

Resolved by the House of Representatives, the Senate concurring:

- Joint session. That both houses meet in joint session in the hall of the House of Representatives on Tuesday, January tenth, one thousand nine hundred and eleven, at twelve noon, for the purpose of opening and publishing the returns of the election of State officers voted for at the last general election as provided by law.

Ratified this the 12th day of January, A. D. 1911.

RESOLUTION No. 3.

RESOLUTION REQUESTING OUR SENATORS AND REPRESENTATIVES IN CONGRESS TO VOTE FOR THE CITY OF NEW ORLEANS AS THE PROPER SITE FOR HOLDING THE WORLD'S FAIR.

Resolved by the Senate, the House concurring:

- Request. That our Senators and Representatives in Congress are respectfully requested to vote for the city of New Orleans as a site for holding the Panama World's Fair.

Ratified this the 17th day of January, A. D. 1911.

RESOLUTION No. 4.

JOINT RESOLUTION INVITING HON. LOGAN W. PAGE, DIRECTOR OF THE OFFICE OF PUBLIC ROADS OF THE UNITED STATES, TO ADDRESS THE MEMBERS OF THE GENERAL ASSEMBLY ON THURSDAY NIGHT, JANUARY 26TH, IN THE HALL OF THE HOUSE OF REPRESENTATIVES.

Resolved by the House of Representatives, the Senate concurring:

That Hon. Logan W. Page, Director of the United States Office of Public Roads, be invited to address the members of the General Assembly on Thursday night, January twenty-sixth, in the hall of the House of Representatives on public roads and public-road legislation. Invitation extended.

Ratified this the 17th day of January, A. D. 1911.

RESOLUTION No. 5.

JOINT RESOLUTION FOR CELEBRATION OF GENERAL ROBERT E. LEE'S BIRTHDAY.

Resolved by the House of Representatives, the Senate concurring:

That the General Assembly of North Carolina, when it adjourns on Thursday, the nineteenth day of January, one thousand nine hundred and eleven, do adjourn in honor of the one hundred and fourth birthday of General Robert E. Lee. General Assembly to adjourn in honor of Lee's birthday.

That the hall of the House of Representatives be tendered to the Daughters of the Confederacy to hold memorial exercises celebrating the birthday of General Lee, on Thursday, January the nineteenth, one thousand nine hundred and eleven, at eight o'clock P. M. Hall of House of Representatives tendered for memorial services.

Ratified this the 20th day of January, A. D. 1911.

RESOLUTION No. 6.

RESOLUTION TO INVITE HON. H. S. GRAVES TO ADDRESS THE GENERAL ASSEMBLY.

Resolved by the Senate, the House of Representatives concurring:

That Hon. H. S. Graves, Forester, United States Forest Service, be invited to address the members of the General Assembly on Friday evening, February the third, one thousand nine hundred and eleven, in the hall of the House of Representatives, on Forestry. Invitation extended.

Ratified this the 30th day of January, A. D. 1911.

RESOLUTION No. 7.

RESOLUTION REGARDING INVESTIGATIONS SUGGESTED
BY THE GOVERNOR WITH REFERENCE TO REPORT OF
BOARD OF INTERNAL IMPROVEMENTS.

Resolved by the Senate, the House of Representatives concurring:

Committee to be
appointed.

That a committee composed of two on the part of the Senate and three on the part of the House of Representatives be appointed to make investigations suggested by the Governor with reference to the report of the Board of Internal Improvements; said committee to have the power to send for persons and papers, administer oaths, and do any and all things necessary for a thorough and complete investigation.

Powers of
committee.

Ratified this the 31st day of January, A. D. 1911.

RESOLUTION No. 8.

RESOLUTION TO PAY MEMBERS WHO VISITED DEAF AND
DUMB ASYLUM AT MORGANTON.

Resolved by the House of Representatives, the Senate concurring:

Appropriation.

SECTION 1. That fifty-six and twenty-five one-hundredth dollars is hereby appropriated to pay the expenses of the House subcommittee of five which visited and inspected the School for the Deaf and Dumb at Morganton; and the Auditor is hereby authorized to issue his warrant on the Treasurer; payable to Representative Smith Hageman, who will distribute the same as follows:

Itemized account.	J. F. Spainhour.....	\$11.25
	J. T. Judd.....	11.25
	H. C. Tucker.....	11.25
	W. A. Grier.....	11.25
	Smith Hageman.....	11.25
	Total.....	\$56.25

SEC. 2. This resolution shall be in force from and after its ratification.

Ratified this the 1st day of February, A. D. 1911.

RESOLUTION No. 9.

A JOINT RESOLUTION TO PAY EXPENSES OF SENATE COMMITTEE ON INSANE ASYLUMS, WHICH VISITED THE INSANE ASYLUM AT MORGANTON, NORTH CAROLINA.

Resolved by the Senate, the House of Representatives concurring:

SECTION 1. That the sum of sixty-four dollars and eighty-five cents is hereby appropriated to pay the expenses of the subcommittee of the Senate which visited the Insane Asylum at Morganton, North Carolina, and the Auditor is hereby authorized to issue his warrant on the State Treasurer, payable to J. R. Baggett, who will distribute the same in accordance with the statement of the amount due the several members, which is hereto attached, as follows:

Senator Van B. Martin of Washington.....	\$15.30	Itemized account.
Senator R. N. Cartwright.....	14.00	
Senator J. C. Fisher.....	11.00	
Senator James Hyatt.....	11.75	
Senator J. R. Baggett.....	12.80	
	<hr/>	
Total.....	\$64.85	

SEC. 2. This resolution shall be in force from and after its ratification.

Ratified this the 7th day of February, A. D. 1911.

RESOLUTION No. 10.

A JOINT RESOLUTION RELATIVE TO PAYING THE EXPENSES OF THE SUBCOMMITTEE ON INSANE ASYLUMS.

Resolved by the Senate, the House of Representatives concurring:

SECTION 1. That the sum of thirty-three dollars and thirty cents be and is hereby appropriated to pay the expenses of the Joint Subcommittee on Insane Asylums which visited the Hospital at Goldsboro; and the Auditor is hereby authorized to issue his warrant on the Treasurer, payable to J. F. Reinhardt, who will distribute the same in accordance with the statement of the amounts due the several members, which is hereto attached, as follows:

SENATORS.		
J. F. Reinhardt.....	\$5.55	Itemized statement.
R. D. Johnson.....	5.55	

REPRESENTATIVES.

R. L. Carr.....	\$5.55
W. W. Alderman.....	5.55
R. L. Brown.....	5.55
N. C. Richardson.....	5.55

SEC. 2. That this resolution shall be in force from and after its ratification.

Ratified this the 8th day of February, A. D. 1911.

RESOLUTION No. 11.

A JOINT RESOLUTION RATIFYING THE SIXTEENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

Preamble.

Whereas both the houses of the Sixty-first Congress of the United States of America, at its first session, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America, in the following words, to wit:

"A JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

Proposed amendment.

"Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each house concurring therein): That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the Legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution, namely, article sixteen: 'The Congress shall have power to lay and collect taxes on incomes from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.'"

Proposed amendment ratified.

Therefore be it resolved, by the Senate and House of Representatives of the State of North Carolina, That the said proposed amendment to the Constitution of the United States be and the same is hereby ratified by the General Assembly of the State of North Carolina.

Copies to be forwarded.

And further be it resolved, That certified copies of this joint resolution be forwarded by the Governor of this State to the Secretary of State at Washington and to the presiding officers of each house of the National Congress.

Ratified this the 11th day of February, A. D. 1911.

RESOLUTION No. 12.

JOINT RESOLUTION IN FAVOR OF MRS. JOHN L. STUART,
WIDOW OF THE LATE MEMBER OF THE HOUSE OF REPRESENTATIVES FROM MONTGOMERY COUNTY.*Resolved by the Senate, the House of Representatives concurring:*

That the State Auditor be and he is hereby authorized and directed to draw his warrant on the State Treasurer in favor of Mrs. John L. Stuart, widow of John L. Stuart, late member of the House of Representatives from the county of Montgomery, for the sum of two hundred and forty dollars, the same being the amount which would have been due on the fourth day of March, one thousand nine hundred and eleven, to the said John L. Stuart as *per diem* as a member of the House of Representatives; and the State Treasurer is authorized and directed to pay the same.

Auditor to draw warrant.

Amount.

Treasurer to pay warrant.

Ratified this the 14th day of February, A. D. 1911.

RESOLUTION No. 13.

A JOINT RESOLUTION IN REGARD TO THE UNITED STATES ASSAY OFFICE AT CHARLOTTE.

Whereas a movement is on foot before the National Congress to abolish the United States Assay Office at Charlotte; and whereas this assay office is a great convenience to the mining industry in the two Carolinas and Georgia: therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That our Senators and Representatives be requested to use their influence and best efforts to prevent such action, and to secure the continuance and maintenance of this office as heretofore.

Request to senators and representatives.

Resolved further, That this resolution shall be forwarded to both Senators and to the ten Representatives in Congress from this State.

Copies of resolutions to be forwarded.

Ratified this the 14th day of February, A. D. 1911.

RESOLUTION No. 14.

RESOLUTION OF RESPECT IN REGARD TO THE DEATH OF
HON. NEILL ARCHIBALD McLEAN.*Resolved by the Senate, the House of Representatives concurring:*

That this General Assembly has heard with deep regret of the death of Hon. Neill Archibald McLean, Senator from Robeson County during the sessions of one thousand nine hundred and

Expression of regret.

seven and one thousand nine hundred and eight, a learned lawyer and skillful advocate, who had attained a State-wide reputation in his profession, and a brave, chivalrous gentleman.

Token of respect.
Resolution to be sent to widow.

That, as a token of respect, it is ordered that the State flag be put at half-mast during the day, and that the Lieutenant Governor be requested to communicate this resolution to his widow, with assurances of our heartfelt sympathy in her great loss and affliction.

Ratified this the 17th day of February, 1911.

RESOLUTION No. 15.

JOINT RESOLUTION RELATING TO THE ACTION OF THE STATE OF NEVADA IN REFUSING TO ACCEPT AS A GIFT CERTAIN BONDS.

Preamble.

Whereas the General Assembly of North Carolina now in session have heard with profound pleasure and great satisfaction of the action of his Excellency the Governor of Nevada, and of the Legislature of that State, in repealing the law recently enacted in said State requiring the Governor to accept gifts of bonds tendered to him, which act was intended to be used as a means of enriching the holders of the fraudulent and repudiated special-tax bonds held by them: therefore, be it

Resolved by the Senate of North Carolina, the House of Representatives concurring:

Sincere thanks tendered.

SECTION 1. That the most sincere thanks of this General Assembly and of the people of North Carolina be tendered his Excellency the Governor of the State of Nevada, and to the General Assembly of said State, for the high and honorable position taken by them in refusing to accept said bonds and in repealing said law. The position taken by his Excellency and the General Assembly of the State of Nevada is, in the opinion of this General Assembly, highly commendable and in conformity with the true spirit of comity and brotherhood which should exist between the States of the Union, and we most heartily and profoundly thank them for their action in this matter.

Secretary of State to transmit copies.

SEC. 2. That the Secretary of State of North Carolina be directed to transmit a copy of this resolution to the Governor of Nevada and a copy to each branch of the General Assembly of said State.

Ratified this the 22d day of February, A. D. 1911.

RESOLUTION No. 16.

RESOLUTION TO PAY THE EXPENSES OF THE JOINT COMMITTEE ON PENAL INSTITUTIONS IN VISITING THE PENITENTIARY FARM.

Resolved by the Senate, the House of Representatives concurring:

That T. C. Coxe, chairman of the House Committee on Penal Appropriation. Institutions, be and he is hereby allowed the sum of ninety dollars and seventy-five cents, same being expenses of said committee incurred in visiting the penitentiary farms, and to be apportioned as follows:

T. C. Coxe.....	\$8.25	Itemized statement.
Representative Stroup of Gaston.....	8.25	
Representative Witty of Rockingham.....	8.25	
Representative Wilson of Chatham.....	8.25	
Representative Clement of Halifax.....	8.25	
Representative Smith of Greene.....	8.25	
Representative Coleman of Rowan.....	8.25	
Representative Ramsey of Madison.....	8.25	
Senator Reinhardt of Lincoln.....	8.25	
Senator McDonald of Moore.....	8.25	
Senator Thorne of Nash.....	8.25	

And the State Treasurer is hereby authorized to pay said Treasurer to pay. amounts upon the warrant of the State Auditor.

Ratified this the 23d day of February, A. D. 1911.

RESOLUTION No. 17.

A JOINT RESOLUTION TO PAY EXPENSES OF SENATE COMMITTEE ON INSTITUTION FOR THE DEAF AND DUMB, WHICH VISITED THE INSTITUTION FOR THE DEAF AT MORGANTON, NORTH CAROLINA.

Resolved by the Senate, the House of Representatives concurring:

SECTION 1. That the sum of sixty-eight dollars and sixty-one Appropriation. cents is hereby appropriated to pay the expenses of the subcommittee of the Senate which visited the Institution for the Deaf and Dumb at Morganton, North Carolina, and the Auditor is hereby authorized to issue his warrant on the State Treasurer, payable to M. Leslie Davis, who will distribute the same in accordance

with the statement of the amount due the several members, which is hereto attached, as follows:

Itemized statement.	M. L. Davis.....	\$12.00
	Dr. J. A. Hurdle.....	12.25
	John G. Carpenter.....	11.00
	T. L. Sigmon, traveling on mileage.....	8.36
	A. A. Hicks.....	13.00
	P. H. Mashburn.....	12.00
	Total.....	\$68.61

SEC. 2. This resolution shall be in force from and after its ratification.

Ratified this the 23d day of February, A. D. 1911.

RESOLUTION No. 18.

RESOLUTION AUTHORIZING THE SUPERINTENDENT OF THE STATE HOSPITAL FOR THE INSANE AT MORGANTON TO RECEIVE INTO THE HOSPITAL GEORGE BARTLETT OF McDOWELL COUNTY.

Resolved by the Senate, the House of Representatives concurring:

Preamble.

That whereas George Bartlett of McDowell County is an idiot; and whereas said George Bartlett cannot be controlled by his grandmother, who is his only living relative; and whereas he is so dangerous to the keeper and the inmates of the County Home of said county; and whereas said George Bartlett has no relatives that can care for him: therefore, be it

Authority to superintendent.

Resolved, That said Superintendent of the State Hospital for the Insane at Morganton be and he is hereby empowered and authorized to receive said George Bartlett into the State Hospital for the Insane at Morganton.

Ratified this the 24th day of February, A. D. 1911.

RESOLUTION No. 19.

JOINT RESOLUTION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, RELATING TO THE ELECTION OF TRUSTEES OF THE UNIVERSITY.

Resolved by the House of Representatives, the Senate concurring:

Joint ballot.

That a joint ballot of the two houses be taken on Saturday, the twenty-fifth day of February, one thousand nine hundred and eleven, at twelve o'clock M., to elect trustees of the University of North Carolina.

Time fixed.

Ratified this the 25th day of February, 1911.

RESOLUTION No. 20.

A JOINT RESOLUTION FOR THE REMOVAL OF AN OLD HOUSE BELONGING TO THE STATE, AT THE INTERSECTION OF MORGAN AND SALISBURY STREETS.

Resolved by the House of Representatives, the Senate concurring:

That the Governor and the Board of Public Buildings and Grounds be and they are hereby empowered to sell, in such manner as they deem best, and have removed, the old wooden building belonging to the State at the intersection of Morgan and Salisbury streets, on the north side of Morgan Street and west side of Salisbury streets, and make provision, at some other place in the city of Raleigh, to store the gatling gun now in said old building. Removal authorized.
Storage for gun.

Ratified this the 25th day of February, A. D. 1911.

RESOLUTION No. 21.

JOINT RESOLUTION TO PAY THE EXPENSES OF THE HOUSE AND THE SENATE EDUCATIONAL SUBCOMMITTEES WHILE VISITING THE EASTERN TRAINING SCHOOL, THE STATE NORMAL AND INDUSTRIAL COLLEGE AT GREENSBORO, AND THE UNIVERSITY OF NORTH CAROLINA.

Resolved by the House of Representatives, the Senate concurring:

SECTION 1. That the sum of \$121.13 is hereby appropriated to pay the expenses of the Subcommittee on Education of the House of Representatives and Senate while visiting the Eastern Carolina Training School, the State Normal and Industrial College at Greensboro, and the University of North Carolina; and the Auditor is hereby authorized to issue his warrant on the State Treasurer for \$121.13, payable to J. F. Spainhour, who will distribute the same to the several members of the several subcommittees as follows: Appropriation.

EASTERN CAROLINA TRAINING SCHOOL.

J. F. Spainhour.....	\$4.30	Itemized statement.
John T. Johnson.....	4.70	
F. H. Brown.....	4.30	
N. B. Kendrick.....	4.30	
A. A. Hicks.....	4.30	
J. R. Baggett.....	4.30	
Charles A. Armstrong.....	4.30	
T. A. Cox.....	4.30	
W. O. Smith.....	4.70	
T. L. Sigmon.....	4.70	
R. R. Cotten.....	4.30	

John T. Thorne.....	\$4.30
A. D. Ivey.....	4.30
James L. Hyatt.....	4.30

THE STATE NORMAL AND INDUSTRIAL COLLEGE AT GREENSBORO.

J. F. Spainhour.....	\$7.85
N. B. Kendrick.....	7.85
E. M. Koonce.....	9.10
R. A. Nunn.....	7.85
John T. Johnson.....	6.70
R. L. Haymore.....	7.85
W. S. Privott.....	7.85

THE UNIVERSITY OF NORTH CAROLINA.

J. F. Spainhour.....	\$1.44
John T. Johnson.....	2.00
Mark Majette.....	1.44
Gallatin Roberts.....	1.80

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 27th day of February, A. D. 1911.

RESOLUTION No. 22.

JOINT RESOLUTION TO PAY EXPENSES OF THE HOUSE SUBCOMMITTEE ON INSANE WHICH VISITED THE STATE HOSPITAL AT MORGANTON.

Resolved by the House of Representatives, the Senate concurring:

Appropriation.

SECTION 1. That the sum of one hundred and six and ninety-five one-hundredths dollars is hereby appropriated to pay the expenses of the subcommittee of the House of Representatives which visited the State Hospital at Morganton; and the Auditor is hereby authorized to issue his warrant on the Treasurer, payable to A. A. Kent, who will distribute the same in accordance with the statement of the amounts due the several members, which is hereto attached, as follows:

Itemized statement.

A. A. Kent.....	\$13.25
George W. Rabb.....	13.00
R. P. Floyd.....	13.25
J. H. Mease.....	13.25
J. K. Dixon.....	13.50
Thomas W. Wilson.....	11.50
W. A. Warren.....	13.25
H. C. Caviness.....	15.95

Total.....\$106.95

Ratified this the 2th day of February, A. D. 1911.

RESOLUTION No. 23.

JOINT RESOLUTION POSTPONING ELECTION OF TRUSTEES OF THE UNIVERSITY OF NORTH CAROLINA FROM 12 O'CLOCK M., FEBRUARY 25TH, UNTIL 1 O'CLOCK P. M. ON SAID DATE.

Be it resolved by the House of Representatives, the Senate concurring:

That the election of trustees of the University set for twelve o'clock M., February twenty-fifth, be postponed until one o'clock P. M. on said date. Postponement.

Ratified this the 27th day of February, A. D. 1911.

RESOLUTION No. 24.

A JOINT RESOLUTION TO INVESTIGATE THE PURCHASE FOR THE STATE OF NORTH CAROLINA THE PAINTING, "THE FIRST LANDING OF THE ENGLISH ON ROANOKE ISLAND."

Resolved by the Senate, the House of Representatives concurring:

That a joint committee consisting of three members from the House and two from the Senate be appointed to investigate the purchase, for the State of North Carolina, the painting by Jacques Busbee, "The First Landing of the English on Roanoke River," and report back to this General Assembly what the said painting can be bought for. Committee to be appointed.

This resolution shall be in force and effect from and after its ratification.

Ratified this the 27th day of February, A. D. 1911.

RESOLUTION No. 25.

RESOLUTIONS OF APPRECIATION OF THE SERVICES OF DAVID SCHENCK AND JOSEPH M. MOREHEAD IN CONNECTION WITH THE PRESERVATION OF GUILFORD COURTHOUSE BATTLE GROUND.

Whereas David Schenck and Joseph M. Morehead, as presidents of the Guilford Courthouse Battle-ground Association, gave largely and devotedly of their time and means to the preservation of Guilford Courthouse Battle Ground, and rendered distinguished service to the State and Nation by arresting the attention

Preamble. of mankind and fixing it upon the heroic deeds of the American patriots upon that historic scene of conflict between the American revolutionary and British forces; and whereas the untiring efforts of the said David Schenck and Joseph M. Morehead made possible the fulfillment of the wish cherished by many, that at Guilford Courthouse Battle Ground their children and their children's children might throughout all time read in bronze and marble the deeds of valor and self-sacrifice of their ancestors and tread the soil made sacred by the blood of martyrs to the cause of freedom; whereas said services merit public recognition and an expression of the appreciation of a grateful people: now, therefore, be it

Resolved by the Senate, the House concurring:

Acknowledgment of gratitude.

First, That the State of North Carolina, through its General Assembly, give public acknowledgment of its debt of gratitude for the services of these distinguished dead; and

Copies of resolutions to families.

Second, That a copy of these resolutions be furnished to the respective families of the deceased.

Ratified this the 28th day of February, A. D. 1911.

RESOLUTION No. 26.

RESOLUTION IN FAVOR OF A. S. RICHARDSON, SHERIFF OF COLUMBUS COUNTY.

Resolved by the Senate, the House of Representatives concurring:

Allowance.

SECTION 1. That the State Auditor be and he is hereby authorized and directed to draw his warrant on the State Treasurer in favor of A. S. Richardson, Sheriff of Columbus County, for the sum of one hundred and seventy-four dollars (\$174), the same being expenses incurred by him in apprehending and arresting C. J. Buffkin, murderer of T. J. Fisher.

Ratified this the 4th day of March, A. D. 1911.

RESOLUTION No. 27.

JOINT RESOLUTION IN FAVOR OF WENDELL GRADED SCHOOL.

The House of Representatives of the General Assembly of North Carolina do enact, the Senate concurring:

Removal of dead bodies authorized.

SECTION 1. That Wendell Graded School, in District Number One, of Mark's Creek Township, Wake County, be authorized and empowered to remove the dead bodies of R. L. Rhodes and Dr. John Hocutt, which are now buried on the property of said Wen-

dell Graded School, to the public cemetery or burying-ground owned by the town of Wendell, the expenses of said removal to be borne by the aforesaid Wendell Graded School.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 4th day of March, A. D. 1911.

RESOLUTION No. 28.

JOINT RESOLUTION RELATIVE TO THE COMPENSATION OF PAGES.

Resolved by the House of Representatives, the Senate concurring:

SECTION 1. That the pages of the House and the Senate be and they are hereby allowed fifty cents per day extra to the amount allowed them, and their actual railroad fare from their respective homes to the city of Raleigh and return. Extra allowance.

SEC. 2. That the principal clerks of the House and Senate are hereby authorized to issue their vouchers, and the Auditor of the State shall issue his warrants for the same, which shall be paid by the State Treasurer. Vouchers.

SEC. 3. That this resolution shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, A. D. 1911.

RESOLUTION No. 29.

JOINT RESOLUTION IN REGARD TO THE DEPENDENT WIDOWS AND WIVES OF CONFEDERATE VETERANS.

Resolved by the House of Representatives, the Senate concurring:

A committee shall be appointed consisting of three members of the House of Representatives to be named by the Speaker, and two Senators to be named by the President of the Senate, who shall take into consideration the necessity and propriety of provision by the State for the support of the dependent widows and wives of the Confederate veterans of this State. Said committee shall ascertain as near as may be the number of such dependent wives and widows, the cost of providing buildings and support for them, the most advisable location for such buildings, whether in connection with the Soldiers' Home at Raleigh or elsewhere, and provide by bill for the above purposes, together with regulations for the government and management of such institution. Said bill shall be transmitted by the committee to the Governor

Committee to be appointed.

Duties of committee.

Report.

on or before the first of December, one thousand nine hundred and twelve, with the request that he transmit the same at the same time with his message to the next General Assembly, to the end that said bill and its recommendations may be considered by that body.

Ratified this the 4th day of March, A. D. 1911.

RESOLUTION No. 30.

Preamble.

Whereas, by oversight in making out the expense of the Committee on Education while visiting the State Normal and Industrial College at Greensboro, Senator O. A. Barbour's name was omitted: therefore, be it

Resolved by the House of Representatives, the Senate concurring:

Additional allowance.

That the State Auditor be and he is hereby authorized and directed to issue his warrant on the State Treasurer, payable to O. A. Barbour, for the sum of eight dollars and five cents (\$8.05), his expense in making said trip to Greensboro.

Ratified this the 6th day of March, A. D. 1911.

RESOLUTION No. 31.

RESOLUTION IN BEHALF OF THE CLERKS OF THE SENATE AND HOUSE OF REPRESENTATIVES.

Preamble.

Whereas the clerks of the Senate and the clerks of the House of Representatives have been true and faithful servants of this General Assembly and have discharged the arduous duties incumbent upon them in a faithful and efficient manner; and whereas, during the latter part of this session, the work of the Legislature has increased to such an extent that they have been required to work almost day and night in order to keep up with their work:

Resolved by the Senate, the House of Representatives concurring:

Clerks allowed extra pay.

SECTION 1. That the principal clerk of the Senate and his assistants, the principal clerk of the House of Representatives and his assistants, the engrossing clerks of the Senate and House of Representatives, the reading clerks of the Senate and House of Representatives, the chief clerk of Enrolling Department and four assistants, be and they are hereby allowed the sum of one dollar per day extra in addition to their salary.

SEC. 2. That the principal clerks of the Senate and House of Representatives, respectively, are hereby authorized and directed to issue vouchers therefor.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1911.

RESOLUTION No. 32.

A JOINT RESOLUTION RELATIVE TO THE COMPENSATION OF W. H. DANIELS, COURT STENOGRAPHER OF BUNCOMBE COUNTY; J. F. HONEYCUTT, SHERIFF OF CABARRUS COUNTY, AND W. F. SESSOMS, CLERK OF THE SUPERIOR COURT OF SAMPSON COUNTY.

Whereas his Excellency the Governor of North Carolina, on the twenty-ninth day of September, one thousand nine hundred and ten, appointed W. H. Daniels of Buncombe County a commissioner to take evidence pertaining to the revocation of the conditional pardon of W. P. Black of the city of Asheville, and on the day of December, one thousand nine hundred and nine, appointed J. F. Honeycutt, Sheriff of Cabarrus County, a commissioner to take evidence pertaining to the revocation of the conditional pardon of William Webster, and on the day of January, one thousand nine hundred and nine, appointed as commissioner W. F. Sessoms, Clerk of the Superior Court of Sampson County, to take evidence pertaining to the revocation of the conditional pardon of John Staub; and whereas said commissioners incurred expenses in taking and transcribing said evidence; and whereas there is and was at time of taking said evidence no law providing for compensation to be paid for the labors performed by said commissioners: now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

SECTION 1. That the said W. H. Daniels be and he is hereby allowed the sum of thirty-five dollars; that J. F. Honeycutt be and he is hereby allowed the sum of eight dollars and eighty-five cents; that W. F. Sessoms be and he is hereby allowed the sum of twenty-six dollars and eighty-six cents, as compensation for their services as commissioners above set out, and that the State Treasurer be and he is hereby directed to pay said amount upon the warrant of the State Auditor when said warrant shall have been approved and countersigned by his Excellency the Governor.

SEC. 2. This resolution shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, A. D. 1911.

RESOLUTION No. 33.

A JOINT RESOLUTION IN FAVOR OF G. E. GARDNER.

Mileage allowed. Whereas G. E. Gardner has acted as Reading Clerk of the House of Representatives for most of the term, and is entitled to all the emoluments of the office, including mileage: therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That he be allowed the same mileage as if he had been elected as such reading clerk.

This act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1911.

RESOLUTION No. 34.

JOINT RESOLUTION PROVIDING FOR THE APPOINTMENT OF A COMMISSION TO INVESTIGATE AND REPORT ON THE ADVISABILITY OF COMBINING THE AGRICULTURAL DEPARTMENT AND THE A. AND M. COLLEGE.

Preamble. Whereas a bill has been introduced in the House of Representatives looking to the consolidation of the Agricultural Department of the State and the Agricultural and Mechanical College, with a view to advancing the agricultural interests of the State of North Carolina: now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

Commission to be appointed. That a commission of five be appointed by the presiding officers of the House of Representatives and the Senate respectively, consisting of three members of the House of Representatives and two members of the Senate, said commission to meet with the State Board of Agriculture and the trustees of the Agricultural and Mechanical College, for the purpose of ascertaining the wisdom of such consolidation, or closer coöperation of these institutions, and make a full report of their findings to the Governor of North Carolina, to be transmitted by him to the General Assembly at its next regular session.

Composition of commission. *Resolved, second,* That said commission shall be composed of two practical farmers and one practical business man from the membership of the House of Representatives, and one practical farmer and one practical business man from the membership of the Senate, and the President of the Senate and Speaker of the House of Representatives.

Compensation. *Resolved, third,* That the members of said commission shall receive as compensation for their services the sum of four dollars

per day and actual expenses while engaged in this work: *Pro-* Proviso: limit of time.
vided, that the period of this investigation shall not exceed twenty days.

Resolved, fourth, That said commissioners shall meet and or- Organization.
 ganize before the adjournment of this Legislature.

Resolved, fifth, That this resolution shall be in force and effect from and after its ratification.

Ratified this the 7th day of March, A. D. 1911.

RESOLUTION No. 35.

RESOLUTION TO INCREASE THE PAY OF LABORERS OF
 THE SENATE AND HOUSE OF REPRESENTATIVES.

Whereas the laborers of the Senate and House have faithfully Preamble.
 performed all the duties required of them; and whereas the cost
 of living is much higher than it was during any previous session
 of the General Assembly; and whereas there has been a great deal
 of sickness among the laborers: therefore, be it

Resolved by the House of Representatives, the Senate concurring:

SECTION 1. That an additional fifty cents per day be allowed the Additional allow-
 ance.
 laborers of the Senate and the House of Representatives.

SEC. 2. That this resolution shall be effective from and after its
 ratification.

Ratified this the 7th day of March, A. D. 1911.

RESOLUTION No. 36.

A JOINT RESOLUTION RELATING TO THE UNIVERSITY OF
 NORTH CAROLINA.

Resolved by the House of Representatives, the Senate concurring:

SECTION 1. That if in the judgment of the Council of State it Diversion of funds
 authorized.
 become necessary, the University of North Carolina is hereby
 authorized to expend for support out of the money appropriated
 to said institution, for buildings, a sum of money not greater than
 eight thousand dollars (\$8,000) annually for the years one thou-
 sand nine hundred and eleven and one thousand nine hundred and
 twelve.

SEC. 2. That this resolution shall be in force from and after its
 ratification.

Ratified this the 7th day of March, A. D. 1911.

RESOLUTION No. 37.

RESOLUTION OF THANKS TO THE RALEIGH POST-OFFICE.

Preamble.

Whereas a resolution was passed at the session of the General Assembly of one thousand nine hundred and seven, thanking the Post-office Department and Postmaster Briggs for their efforts in establishing Station "A" at the Capitol: now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

Thanks extended.

That the General Assembly of North Carolina hereby extends its thanks to the postmaster, and his efficient, courteous, and gentlemanly assistants, for their services during this session.

Copy of resolution to be forwarded.

Be it further resolved, That a copy of this resolution be forwarded to the Postmaster General of the United States by the Secretary of State.

Ratified this the 7th day of March, A. D. 1911.

RESOLUTION No. 38.

A RESOLUTION TO EXTEND THANKS TO THE CONGRESS OF THE UNITED STATES FOR THE APPROPRIATION TO BUILD A SUITABLE MONUMENT AT GUILFORD BATTLE GROUND TO PERPETUATE THE MEMORY OF NATHANIEL GREENE.

Preamble.

Whereas the Congress of the United States has appropriated thirty thousand dollars (\$30,000) to build a suitable monument at Guilford Battle Ground to perpetuate the memory of General Nathaniel Greene; and whereas the people of the State of North Carolina point with pride to the splendid services rendered to the State and Nation by this patriot and soldier: be it, therefore,

Resolved by the House of Representatives, the Senate concurring:

Senators and representatives to extend thanks.

First. That the Senators and Representatives in Congress from the State of North Carolina be requested to extend the thanks of the people of the State of North Carolina to Congress for the appropriation.

Copies of resolution to be forwarded.

Second. That a copy of these resolutions be forwarded to each of the Senators and Representatives in Congress from North Carolina.

Ratified this the 7th day of March, A. D. 1911.

RESOLUTION No. 39.

RESOLUTION IN BEHALF OF THE ASSISTANTS TO THE
ENGROSSING CLERKS OF THE SENATE AND THE HOUSE
OF REPRESENTATIVES.

Whereas, in resolution number thirty-one, ratified on the sixth Preamble. day of March, nineteen hundred and eleven, by inadvertence the assistants to the engrossing clerks of the Senate and House of Representatives were omitted from said resolution: now, therefore, be it

Resolved by the Senate, the House of Representatives concurring:

SECTION 1. That the assistants to the engrossing clerks of the Senate and the House of Representatives be and they are hereby Additional allowance. allowed the sum of one dollar per day extra in addition to their salaries.

SEC. 2. That the principal clerk of the Senate and House of Vouchers. Representatives, respectively, are hereby authorized and directed to issue vouchers therefor.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1911.

RESOLUTION No. 40.

JOINT RESOLUTION RELATIVE TO COMPENSATION OF
H. R. WILLIAMSON.

Resolved by the House of Representatives, the Senate concurring:

SECTION 1. That H. R. Williamson be and he is hereby allowed Allowance. the sum of twenty-five dollars as compensation for his faithful and efficient services to the House Committee on Finance and the joint meetings of the Senate and House Committee on Finance, the same to be paid as other expenses of the House are.

SEC. 2. That this resolution shall be in full force and effect from and after its ratification.

Ratified this the 7th day of March, A. D. 1911.

RESOLUTION No. 41.

RESOLUTION IN REGARD TO MILEAGE FOR CLERKS.

Mileage allowed. Whereas there is no provision for mileage of the clerks to the committees:

Be it resolved by the Senate, the House of Representatives concurring:

SECTION 1. That all clerks to committees shall receive mileage that members of the General Assembly now receive.

SEC. 2. That this resolution shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1911.

RESOLUTION No. 42.

RESOLUTION IN BEHALF OF THE NIGHT WATCHMAN OF THE CAPITOL.

Whereas the night watchman of the Capitol building and grounds has had extra services to perform in looking after the lights of the Senate and House, and the Capitol building and public grounds in general, during the session of the General Assembly: now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the night watchman of the Capitol be and he is hereby allowed the sum of one dollar per day extra for the sixty days during the session of the General Assembly, to be paid by the State Treasurer upon the warrant of the State Auditor.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1911.

RESOLUTION No. 43.

RESOLUTION RELATING TO THE BRONZE STATUE OF CHARLES DUNCAN McIVER.

Resolved by the House of Representatives, the Senate concurring:

Location in capitol square. That permission be given to the committee having charge of the matter, to place in the Capitol Square at Raleigh the heroic bronze statue of Charles Duncan McIver, if the committee desires to place it there.

Ratified this the 7th day of March, A. D. 1911.

RESOLUTION No. 44.

RESOLUTION IN REGARD TO CONDITION OF CAPITOL
BUILDING AND SQUARE.

Resolved by the Senate, the House of Representatives concurring:

That the sum of one thousand dollars is hereby appropriated to be used by the Governor, Secretary of State, and Superintendent of Public Instruction, upon the warrant of the Governor, in having the roof of the Capitol building so improved as to prevent danger of fire from careless handling of cigarettes or matches by persons going on the same, and they are authorized to post ordinances in said building to prevent all persons, going on the roof, from smoking in any way, and to have the old garret examined and all combustible material removed; and they are also authorized to have the grounds improved by use of peas, clay, manure, and fertilizers from time to time, and also to have the trees trimmed, and such ones cut down as may be necessary to the growth of the more beautiful ones, on the advice of some expert in forestry or competent person, so that the said building may be safe and the grounds fit surrounding for the State Capitol.

Appropriation.

Purpose of appropriation.

Ordinances for protection.

Improvement of grounds.

Ratified this the 8th day of March, A. D. 1911.

RESOLUTION No. 45.

JOINT RESOLUTION TO AUTHORIZE THE GOVERNOR TO
APPOINT FOUR PERSONS AS MEMBERS OF THE NA-
TIONAL COMMITTEE FOR THE CELEBRATION OF THE
ONE HUNDREDTH ANNIVERSARY OF PEACE AMONG
ENGLISH-SPEAKING PEOPLE.

Whereas there will have existed peace among English-speaking people for one hundred years at the anniversary of the signing of the Treaty of Ghent, December, one thousand eight hundred and fourteen, and all matters of dispute have been settled by arbitration, thus setting an example to all other nations, and it is intended to have an appropriate celebration of said anniversary by the people of Great Britain, Canada, and the United States, and a committee is to be appointed from all States: now, therefore, the Governor is authorized to appoint four persons as members of said committee to act with it in the preparation of such measures as may tend to an appropriate celebration of the signing of the said Treaty of Ghent, which ended the war of one thousand eight hundred and twelve between Great Britain and the United States.

Preamble.

Appointment of committeemen.

Ratified this the 8th day of March, A. D. 1911.

RESOLUTION No. 46.

JOINT RESOLUTION CONCERNING THE DOORKEEPER AND ASSISTANT DOORKEEPER OF THE SENATE, AND THE DOORKEEPER AND ASSISTANT DOORKEEPER OF THE HOUSE OF REPRESENTATIVES.

Preamble.

Whereas the doorkeeper and assistant doorkeeper of the Senate, and the doorkeeper and assistant doorkeeper of the House of Representatives, have served in their respective capacities faithfully and acceptably; and whereas they have been engaged in the discharge of their respective duties both night and day; therefore,

Be it resolved by the Senate, the House concurring:

Pay increased.

SECTION 1. That the pay of the doorkeeper and assistant doorkeeper of the Senate, and doorkeeper and assistant doorkeeper of the House of Representatives, be and the same is hereby increased fifty cents per day for the time they have served in their respective capacities.

SEC. 2. That this resolution be in force and effect from and after its ratification.

Ratified this the 8th day of March, A. D. 1911.

RESOLUTION No. 47.

RESOLUTION TO PAY EXPENSES OF COMMITTEE INCURRED IN VISITING MONTROSE SANATORIUM.

Resolved by the Senate, the House of Representatives concurring:

Appropriations.

SECTION 1. That the Treasurer of the State be and he is hereby directed to pay to O. R. Cox and S. C. Wallace the sum of four dollars and ten cents, each, in full of the amount of their actual expenses incurred by visiting Montrose Sanatorium.

SEC. 2. *Resolved further,* That this resolution shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1911.

RESOLUTION No. 48.

A JOINT RESOLUTION RELATIVE TO THE COMPENSATION OF W. H. HILL, LABORER OF THE SENATE, SESSION OF 1911.

Preamble.

Whereas W. H. Hill, one of the laborers of the Senate, was compelled to return to his home the first part of the session; and

whereas since his return to duty the work of the Legislature has increased to such an extent that he has been required to work almost day and night: therefore, be it

Resolved by the Senate, the House of Representatives concurring:

SECTION 1. That W. H. Hill be and he is hereby allowed fifty cents extra for the entire session.

SEC. 2. That the principal clerk of the Senate be and he is hereby authorized and directed to issue voucher in favor of said W. H. Hill to cover the said fifty cents per day extra of this session.

SEC. 3. That this resolution shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, A. D. 1911.

RESOLUTION No. 49.

JOINT RESOLUTION OF THE GENERAL ASSEMBLY OF NORTH CAROLINA FOR THE PURPOSE OF SECURING SUFFICIENT VOLUMES OF THE SUPPLEMENT TO PELL'S REVISAL TO FURNISH THE STATE.

Whereas the author, George P. Pell, is now preparing a third volume to his Revisal of North Carolina, which is to be a cumulative supplement volume published quadrennially for the purpose of keeping his work up to date; and whereas the State now owns one hundred sets of said Revisal, distributed to the various court-houses of the State, twenty sets for the use of the General Assembly, and twenty five sets distributed among the various departments of the State; and whereas it is necessary to keep these sets up to date:

Be it resolved by the Senate, the House of Representatives concurring:

That the Secretary of State be and he is hereby required to purchase at the price of three dollars and fifty cents apiece, from the author, George P. Bell, one hundred copies of said third volume or cumulative supplement, to be sent to the various counties, twenty copies to be reserved for the General Assembly, and twenty-five copies to be distributed among the State departments according to the distribution made by him of Pell's Revisal.

Resolved, That this resolution be effective from its adoption.

Ratified this the 8th day of March, A. D. 1911.

RESOLUTION No. 50.

JOINT RESOLUTION AUTHORIZING THE GOVERNOR TO TAKE PROPER ACTION AND PAY NECESSARY EXPENSES INCURRED AND TO BE INCURRED IN THE SETTLEMENT OF THE DISPUTED BOUNDARY LINE BETWEEN THE STATE OF NORTH CAROLINA AND THE STATE OF TENNESSEE.

Preamble.

Whereas there has been pending for a number of years a controversy between the States of North Carolina and Tennessee in respect to the true location of the boundary line between those States west and southwest of the point where the said line crosses the Tennessee River; the said controversy arising out of the facts that the said line was run and located in the year one thousand eight hundred and twenty-two through a very mountainous and, at that time, a totally unsettled country, many of the mountain ranges and streams not having names or, if so, being unknown; and the commissioners who ran the line had no means of marking the same except upon the trees then growing in the forests; and many of which have been destroyed in the lapse of time, and the maps and field notes accompanying the same which were furnished by the commissioners to the State of North Carolina were destroyed in the fire which consumed the State Capitol in Raleigh in one thousand eight hundred and thirty-one, and for a long time it was not possible to find any evidence of the said plat or field notes in the archives of the State

Preamble.

of Tennessee; and whereas, in consequence of the foregoing facts, much confusion, disorder, and litigation had for a number of years arisen and existed along the line above mentioned, and the settlement and development of the country has been greatly retarded in consequence thereof; and whereas the Governor of the State of

Preamble.

North Carolina, on or about the nineteenth day of February, one thousand nine hundred and nine, directed the Attorney-General of North Carolina to institute a suit in the Supreme Court of the United States against the State of Tennessee to establish the disputed boundary, and under the authority so given by the Governor the Attorney-General did institute the said suit, which is now

Preamble.

pending in the Supreme Court of the United States; and whereas there has been recently discovered among the archives of the State of Tennessee a plat or map of the said survey of one thousand eight hundred and twenty-two, furnished the State of Tennessee by the commissioners who made that survey, but no field

Preamble.

notes explanatory thereof could be found; and whereas, quite recently, there has been found a copy of the said field notes among the private papers of William Davenport, Esquire, one of the surveyors on the part of North Carolina who made the said survey.

and that said field notes are now in the possession of William Davenport Jones, Esquire, a descendant of William Davenport, who is ready to furnish them to the State of North Carolina :

Be it resolved by the General Assembly of the State of North Carolina :

1. That the Governor is authorized and directed to employ all the powers and agencies of the State in the further prosecution of the said suit, and to draw his warrant upon the Treasurer of the State for such necessary expense as may be incurred on behalf of the State therein. Prosecution of suit.

2. That the Governor be further requested and authorized to procure from the State of Tennessee a duly certified copy of the said recently discovered map or plat, and also the field notes above referred to; and cause the same to be recorded and filed in some proper place in the office of the Secretary of State, and to be printed, if it can conveniently be done, together with this resolution, in the proceedings of this session of this General Assembly. Copies of map and field notes to be secured.

The Governor shall certify to the Auditor the necessary expense of securing, copying, and recording the said map and field notes and other expense necessary to carry into effect the provisions of this section, and the Auditor shall draw his warrant on the Treasurer for payment of the same. Payment of expenses.

Ratified this the 8th day of March, A. D. 1911.

RESOLUTION No. 51.

JOINT RESOLUTION IN BEHALF OF A. E. OLMSTEAD, EMPLOYEE OF THE HOUSE.

Whereas A. E. Olmstead, one of the employees of the House, Preamble. has, in addition to his regular duties, had entire charge of the heating and lighting of the hall and offices of the House of Representatives, and of the enrolling and engrossing departments; and whereas, having been carried on the pay-roll as a laborer, he has only received \$2.50 per day for all services: now, therefore,

Resolved by the House of Representatives, the Senate concurring:

That the said A. E. Olmstead and M. A. Shank shall be allowed the additional sum of \$1 per day for the current session as payment for such extra service. Additional allowance.

Ratified this the 8th day of March, A. D. 1911.

RESOLUTION No. 52.

RESOLUTION TO PAY THE EXPENSES OF THE MEMBERS OF THE SENATE VISITING THE UNIVERSITY OF NORTH CAROLINA.

Resolved by the Senate, the House of Representatives concurring:

Appropriation.

SECTION 1. That the Auditor be and he is hereby authorized and directed to draw his warrant on the Treasurer of North Carolina for the sum of seventeen dollars and thirty cents in favor of Charles A. Armstrong, chairman of Subcommittee on Education of the Senate, to pay the actual expenses of subcommittee who visited the University of North Carolina, including ninety cents, each, for Senators Armstrong and Baggett, part of expenses incurred by them in visit to Greenville, not included in Representative Spainhour's bill.

SEC. 2. This resolution shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1911.

RESOLUTION No. 53.

A JOINT RESOLUTION IN FAVOR OF STEPHEN HAWKINS, JANITOR IN AUDITOR'S OFFICE.

Be it resolved by the House of Representatives, the Senate concurring:

Compensation authorized.

SECTION 1. That the Treasurer of the State of North Carolina be and he is hereby authorized and directed to pay, upon warrant of the Auditor of the State, the sum of twelve dollars and fifty cents (\$12.50) to Stephen Hawkins, as compensation for his services rendered the Committee on Appropriations of the Senate and House of Representatives in the General Assembly of one thousand nine hundred and eleven.

SEC. 2. That this resolution shall be in force from and after ratification.

Ratified this the 8th day of March, A. D. 1911.

RESOLUTION No. 54.

RESOLUTION TO PAY THE FIREMAN OF THE SUPREME COURT BUILDING THE SUM OF \$30 FOR SERVICES RENDERED THE GENERAL ASSEMBLY OF 1911.

Resolved by the House of Representatives, the Senate concurring:

Allowance.

SECTION 1. That the fireman of the Supreme Court building be and he is hereby allowed the sum of thirty dollars for services

rendered the General Assembly of one thousand nine hundred and eleven in heating the Capitol building.

SEC. 2. That said fireman shall receive no further extra compensation for such services than is herein allowed and provided for. Further extra compensation forbidden.

Ratified this the 8th day of March, A. D. 1911.

RESOLUTION No. 55.

JOINT RESOLUTION AUTHORIZING THE GOVERNOR TO APPOINT TWO COMMISSIONERS TO ADJUST CERTAIN MATTERS OF INDEBTEDNESS BETWEEN THE UNITED STATES AND THE STATE OF NORTH CAROLINA.

Whereas the Governor in a special message to the General Assembly on the twenty-eighth day of February, one thousand nine hundred and eleven, has recommended that certain commissioners be appointed on behalf of the State of North Carolina to meet and confer with certain commissioners to be appointed on behalf of the United States, with a view to adjusting any indebtedness due by the State of North Carolina to the United States, as represented by certain bonds, and any indebtedness due by the United States to the State of North Carolina: now, therefore, Preamble.

Be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. That the Governor of the State of North Carolina be and he is hereby authorized and empowered to appoint two discreet citizens of this State as commissioners to meet and confer with like commissioners to be appointed on behalf of the United States, with full power and authority to make an equitable adjustment of any indebtedness due by the State of North Carolina to the United States, as represented by certain bonds, and by the United States to the State of North Carolina. Such commissioners shall submit a full and complete report of their acts and doings, together with their recommendations, to the Governor of this State, and by him be transmitted to the next General Assembly. Appointment of commissioners authorized.

SEC. 2. That such commissioners shall receive no compensation for their services, except their actual expenses while in attendance upon their duties. The Treasurer is authorized to pay such expenses, out of any funds not otherwise appropriated, upon the warrant of the Governor. Expenses of commissioners.

SEC. 3. That this resolution shall be in force from and after its ratification.

Ratified this the 8th day of March, A. D. 1911.

STATE OF NORTH CAROLINA,

OFFICE OF SECRETARY OF STATE,

RALEIGH, March 30, 1911.

I, J. Bryan Grimes, Secretary of State of the State of North Carolina, hereby certify that the foregoing (manuscript) are true copies of the original acts and resolutions on file in this office.

J. BRYAN GRIMES,

Secretary of State.

NOTE.

In 1909 the General Assembly of North Carolina passed an act entitled "An act to amend section 5349 of the Revisal of 1905 and provide for the classification and publication of the acts of the General Assembly into Public, Public-Local, and Private Laws." In compliance with this law, the acts of 1911 have been classified into Public, Public-Local, and Private Laws. All laws of State-wide application have been classed as public; laws of a public nature but of only local application have been classed as public-local; and all charters and laws in relation to cities and towns are classed as private.

Laws classified and published in three separate volumes.

Public.

Public-local.

Private.

J. BRYAN GRIMES,

Secretary of State.

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